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JOURNAL

OF THE

Constitutional Convention

OF THE

STATE OF SOUTH CAROLINA.

Begun to be Holden at Columbia, S. C., on Tuesday, the Tenth Day of September, Anno Domini Eighteen Hundred and Ninety-five, and continued with divers adjournments until Wednesday, the Fourth Day of December, Anno Domini Eighteen Hundred and Ninety-five, when finally adjourned.

Governor JOHN GARY EVANS, of Aiken County,
President.

Hon. IRA B. JONES, of Lancaster County,
Vice-President.

Hon. W. J. TALBERT, of Edgefield County,
Vice-President.

S. W. VANCE, Esq.,
Secretary.

COLUMBIA, S. C.
CHARLES A. CALVO, JR., STATE PRINTER.
1895.

The Convention which was held in 1860 was called for the purpose of passing the ordinance of secession, and it made such changes in the Constitution then in force as were necessary to adapt it to those changed conditions. We had the Constitution of 1865, which was framed by a convention called together under a proclamation of a provisional Governor, the appointee of a President of the United States, who had no more power to appoint a Governor for South Carolina than any other citizen of the country, and the work of the said convention was of no more force than the proceedings of a mass meeting of citizens. The Convention of 1868 was the fruit of the Reconstructions Acts, which were notoriously unconstitutional, of which one of the most prominent men in Congress and a leader of the party in power at the time had the hardihood to say there were only two fools in the United States who considered them constitutional; and if unconstitutional they were invalid. That Constitution was made by aliens, negroes and natives without character, all the enemies of South Carolina, and was designed to degrade our State, insult our people and overturn our civilization. It is a stain upon the reputation of South Carolina that she has voluntarily lived for 18 years under that instrument after she had acquired full control of every department of her government, but it is a lasting honor to the people of the State that when they took control of their own affairs they set to work to do away with this instrument of their humiliation, in their day of defeat, and in its place to have an organic law which shall be the work of their own hands. In the performance of the important work which lies before you, you cannot do better than to go back and take as the basis of your work the Constitution of 1790, which was the only valid Constitution South Carolina ever had, and which was the work of her own sovereign hands. Under that Constitution all of her greatness, her prosperity and her glory was developed; its principles are imprinted upon the "tablets of the hearts of her people" and woven into every fibre of their being. It has been expounded by her highest Courts, and has passed into her history. Of course changes will have to be made to adapt it to the changed condition of the times, and additions to it will have to be made to keep pace with the progress of the age; but "we are not wiser in our day and generation than the children of light," and we will make no mistake in walking in the footsteps of our fathers.

I congratulate you, gentlemen, upon your being able to assemble in the peace of God and the State to perform this important work for the State and for your children for generations to come. May you be guided by wisdom from above to act in all things in such a manner as to bring safety and honor to South Carolina, and peace, prosperity and happiness to all her people. The Convention is ready for business.

Mr. STANYARNE WILSON offered the following resolution, which was considered immediately and agreed to :

Resolved, That the Delegates whose names appear upon the Roll of Delegates, now in possession of the Secretary of State, be, and are hereby, declared the duly elected and qualified delegates to this Convention.

The roll being called the following delegates answered to their names :

ABBEVILLE.

Mr. Wm. C. McGowan.
Mr. I. H. McCalla.
Mr. J. C. Klugh.
Mr. R. R. Hemphill.
Mr. Frank B. Gary.
Mr. R. F. McCaslan.

AIKEN.

Mr. John Gary Evans.
Mr. F. P. Woodward.
Mr. R. L. Gunter.
Mr. D. S. Henderson.

ANDERSON.

Mr. J. P. Glenn.
Mr. L. D. Harris.
Mr. J. E. Breazeale.
Mr. D. H. Russell.
Mr. G. E. Prince.
Mr. J. M. Sullivan.

BARNWELL.

Mr. Robert Aldrich.
Mr. G. D. Bellinger.
Mr. C. M. Hiers.
Mr. W. C. Smith.
Mr. A. H. Patterson.
Mr. G. H. Bates.

BERKELEY.

Mr. J. B. Morrison.
Mr. J. B. Wiggins.
Mr. E. J. Dennis.
Mr. William Henderson.
Mr. A. H. DeHay.
Mr. H. H. Murray.
Mr. R. C. McMakin.

BEAUFORT.

Mr. James Wigg.
Mr. Thos. E. Miller.
Mr. I. R. Reed.
Mr. W. J. Whipper.
Mr. Robert Smalls.

CHARLESTON.

Mr. T. G. Barker.
Mr. J. K. P. Bryan.
Mr. A. S. Farrow.
Mr. Julian Mitchell, Sr.
Mr. G. F. VonKolnitz, Jr.
Mr. W. M. Fitch.
Mr. Joseph Oliver.
Mr. W. St. Julien Jervey.
Mr. J. N. Nathans.

CHESTER.

Mr. T. J. Cunningham.
Mr. J. Lyles Glenn.
Mr. G. W. Gage.
Mr. R. O. Atkinson.

CHESTERFIELD.

Mr. E. N. Redfearn.
Mr. F. P. Taylor.
Mr. E. J. Kennedy.

CLARENDON.

Mr. J. M. Sprott.
Mr. J. S. Cantey.
Mr. D. J. Bradham.
Mr. J. W. Kennedy.

COLLETON.

Mr. M. P. Howell.
Mr. C. W. Garris.
Mr. D. H. Behre.
Mr. M. R. Cooper.
Mr. L. E. Parler.

DARLINGTON.

Mr. H. C. Burn.
Mr. J. N. Parrott.
Mr. J. O. A. Moore.
Mr. A. T. Perritte.

EDGEFIELD.

Mr. B. R. Tillman.
Mr. W. J. Talbert.
Mr. G. D. Tillman.
Mr. W. H. Timmerman.
Mr. J. C. Sheppard.
Mr. R. B. Watson.

FAIRFIELD.

Mr. R. A. Meares.
Mr. W. L. Rosborough.
Mr. G. W. Ragsdale.
Mr. T. W. Brice.

FLORENCE.

Mr. B. B. McWhite.
Mr. R. M. McCown.
Mr. W. F. Clayton.
Mr. J. O. Byrd.

GEORGETOWN.

Mr. J. H. Read.
Mr. E. F. Matthews.
Mr. R. B. Anderson.

GREENVILLE.

Mr. J. W. Gray.
Mr. J. T. Austin.
Mr. Hugh Barton.
Mr. H. B. Buist.
Mr. H. J. Haynsworth.
Mr. G. G. Wells.

HAMPTON.

Mr. W. J. Gooding.
Mr. A. J. Harrison.
Mr. C. J. C. Hutson.

HORRY.

Mr. J. P. Derham.
Mr. J. A. McDermott.
Mr. Jeremiah Smith.

KERSHAW.

Mr. C. L. Winkler.
Mr. J. W. Floyd.
Mr. J. T. Hay.

LANCASTER.

Mr. Ira B. Jones.
Mr. J. N. Estridge.
Mr. J. W. Hamel.

LAURENS.

Mr. J. L. M. Irby.
Mr. A. J. Smith.
Mr. J. H. Wharton.
Mr. R. L. Henry.

LEXINGTON.

Mr. C. M. Efird.
Mr. J. L. Shuler.
Rev. E. L. Lybrand.

MARION.

Mr. W. J. Montgomery.
Mr. E. B. Berry,
Mr. J. E. Ellerbe.
Mr. J. D. Montgomery.

MARLBORO.

Mr. W. D. Evans.
Mr. T. E. Dudley.
Mr. R. H. Hodges.
Mr. T. I. Rogers.

NEWBERRY.

Mr. George Johnstone.
Mr. G. S. Mower.
Mr. J. L. Keitt.
Mr. J. A. Sligh.

OCONEE.

Mr. J. C. Alexander.
Mr. O. M. Doyle.
Mr. W. J. Stribling.

ORANGEBURG.

Mr. J. W. Stokes.
Mr. I. W. Bowman.
Mr. L. S. Connor.
Mr. E. H. Houser.
Mr. A. K. Smoak.
Mr. O. R. Lowman.

PICKENS.

Mr. W. T. Field.
Mr. W. T. Bowen.
Mr. R. F. Smith.

RICHLAND.

Mr. J. T. Sloan.
Mr. J. J. McMahan.
Mr. Wilie Jones.
Mr. J. B. Dent.
Mr. H. C. Patton.

SPARTANBURG.

Mr. Stanyarne Wilson.
Mr. C. A. Barry.
Mr. W. T. Bobo.
Mr. W. O. Rowland.
Mr. A. S. Waters.
Mr. T. E. Johnson.
Mr. W. E. Carver.

SUMTER.

Mr. R. D. Lee.
Mr. J. H. Scarborough.
Mr. T. B. Fraser.
Mr. G. P. McKagen.
Mr. Shepherd Nash.
Mr. R. P. Stackhouse.

UNION.

Mr. J. T. Douglass.
Mr. W. A. Nicholson.
Mr. C. H. Peake.
Mr. J. C. Otts.

WILLIAMSBURG.

Mr. T. M. Gilland.
Mr. S. W. Gamble.
Mr. W. R. Singletary.
Mr. G. J. Graham.

YORK.

Mr. A. H. White.
Mr. J. S. Brice.
Mr. J. F. Ashe.
Mr. S. E. White.
Mr. W. B. Wilson.

Mr. SHEPPARD offered the following resolution, which was considered immediately and agreed to :

Resolved, That the elective officers of this Convention shall be a President, two Vice-Presidents, a Secretary, a Sergeant-at-Arms, and a Reading Clerk—to be elected by *viva voce* vote.

Mr. PATTERSON nominated Governor Evans for President of the Convention.

Mr. TALBERT and Mr. GRAY seconded the nomination.

There being no other nomination,

On motion of Mr. McCOWN, the rule was suspended and the calling of the roll dispensed with, and a rising vote taken. Governor Evans received the unanimous vote of the Convention, with the exception of Mr. SMALLS, who voted "no."

The CHAIRMAN announced that Mr. John Gary Evans having received a majority of all the votes was duly elected President of the Convention.

Mr. TALBERT moved that the Chair appoint a committee of three to inform Gov. Evans of his election ; which was agreed to.

The CHAIRMAN appointed Messrs. Talbert, Ira B. Jones and Patterson the committee.

On motion of Mr. LOWMAN, the committee proceeded to elect two Vice-Presidents.

Mr. STANYARNE WILSON put in nomination Mr. Talbert and Mr. Ira B. Jones.

There being no other nominations the rule was suspended and the calling of the roll dispensed with, and a rising vote taken, which resulted in the unanimous election of Mr. Talbert and Mr. Ira B. Jones as Vice-Presidents of the Convention.

On motion of Mr. GRAY, the Convention proceeded to elect a Secretary.

Mr. WHARTON nominated Mr. S. W. Vance.

Mr. COOPER seconded the nomination.

There being no other nomination, the rule was suspended and the calling of the roll dispensed with and a rising vote taken.

The CHAIRMAN announced that Mr. Vance having received all the votes cast was duly elected Secretary of the Convention.

On motion of Mr. ——— the Convention proceeded to elect a Sergeant-at-Arms.

Mr. W. C. SMITH nominated Mr. N. H. Stansell.

Mr. GARRIS seconded the nomination.

There being no other nomination the rule was suspended and the calling of the roll dispensed with and a rising vote taken.

The CHAIRMAN announced that Mr. Stansell having received all the votes cast was duly elected Sergeant-at-Arms of the Convention.

The committee returned accompanied by Mr. John Gary Evans.

Mr. ALDRICH, the temporary Chairman, informed him of his election to the Presidency of this Convention.

Mr. EVANS, upon assuming the chair, addressed the Convention as follows :

Gentlemen of the Convention :

I thank you for the honor you have conferred upon me by calling me to preside over your deliberations.

Under the three different forms of government the crowned monarch represents the sovereign power with honor as its essential principle. The

tyrant by force of arms and a strong hand represents the sovereign power of a despotism with its underlying principle, ignorance. The people alone are sovereign in a republic, and its essential element virtue.

You represent the sovereign power of South Carolina, which power has been delegated to you by the people, by reason of the trust reposed in you, for the purpose of framing an organic law. To be called upon to preside over the sovereignty of South Carolina is, indeed, an honor of which any man should be proud. In thanking you for such an honor I simply do that which goes without saying.

I will not review the history of former conventions; this has been ably done by your temporary Chairman. I simply repeat that this is the first time the sovereignty of the State has been delegated by the will of the people, honestly and fairly expressed at the ballot box. The law which you shall frame will be supreme and cannot be reversed in future years except in a manner which you shall provide.

From the position I now occupy I will be precluded from having a voice in the deliberations of the Convention. My position as Chief Executive intimately connects me with every department of your State Government. I have some thoughts that I wish to present for your consideration, and you will pardon me while I proceed to do so.

EXECUTIVE.

In reference to the Executive Department, it is for you to say what powers the Governor shall exercise in future. It is your duty to throw around him such restrictions and safeguards as will protect the people from tyranny and oppression; to preserve them in the enjoyment of their lives, their liberty and property. The present Constitution was framed by a body that did not represent the people of South Carolina, and I recall the prophetic words of Governor Orr to that body when he admonished them that no law passed by them, unless framed with a view of preserving the rule of intelligence and virtue, could be perpetuated. This has proved true, and we are here to make the prophecy and blot out a Constitution made to perpetuate the reign of ignorance and vice over wisdom and virtue. The Chief Executive should be clothed with power to remove any and all officials guilty of misfeasance or malpractice in office, or to suspend such officers until such charges may be preferred and disposed of. Under the present Constitution a sheriff may lead a lynching bee, a clerk of the court may defile the sanctuary of justice, a county supervisor may rob and plunder the people, and still retain their offices in defiance of the Executive, whose duty it is under the Constitution to see that the laws are duly and properly enforced. If you deem this power too broad, specify in what cases it should be exercised, or abolish any article or section requiring the Governor to enforce the laws. If we are to have a chief, make him such; if a subordinate, define his province.

The legislative department needs your serious consideration; but I deem it useless to go into an extensive discussion of that department, as I see before me many delegates who have been for years members of the House and Senate. Our Legislature is handicaped and burdened with the election of a multiplicity of officers. Dispense with this and require all elections to be by the people. Let there be annual sessions consisting of thirty days.

I am satisfied that, relieved of elections and charters of corporations and towns, this limitation will be ample; and while it is now the unwritten law that the Legislature shall adjourn before Christmas, make it constitutional and thus relieve the people of useless legislation. Remember that the best governed people are the least governed. The charter curse should be controlled. The Legislature must be empowered to create corporations, but let them be under general laws, and thus relieve the people of special legislation and the granting of special privileges. By requiring the Legislature to enact a general law providing for the chartering of all corporations by the Secretary of State, you will save one-half the time now occupied by that body and furnish the State a revenue to which it is justly entitled.

The terms of legislators should not be longer than two years.

THE JUDICIARY.

The safety of the republic rests greatly upon the judiciary. It has been truly said that the greatest danger to the government of this country is the encroachment and transgressions of the Federal judiciary. Recent events in our State have verified this prophecy, but of this we have nothing to do except learn a lesson from it. The judiciary should be well guarded and placed on a pinnacle so high that it will remain free and spotless from any reflections, slurs or disgrace attempted to be cast upon upon it. The safety of the life, limbs and property of the people may best be conserved by leaving it in their own hands, and to this end judges should be elected by the people. This has proved a blessing in a majority of the cases where it has been tried and is no longer an experiment. This is the law in other States possessing more wealth and intelligence than ours, and there is no reason why the same results should not be repeated here. Our inferior courts as at present constituted are a farce. The trial justice system is expensive, inefficient and fails to meet the requirements of the people. County courts should be established with jurisdiction over misdemeanors and felonies less than capital, the terms of which should be quarterly, and all convicts sentenced directly to the county chain gang. This would insure speedy justice, economy and good roads. Let the Chairman of each township board of commissioners be made a committing magistrate with no trial jurisdiction and the system will be complete.

HOMESTEAD.

A reasonable homestead should be provided for heads of families without power to mortgage and exempt from attachment, levy and sale. Under our present law the homestead is a myth and farce. It is invariably mortgaged, and this leech has almost exhausted the life substance of our citizens.

The reason for exempting the homestead from levy and sale is not to protect unfortunate debtors. It is to preserve and foster in the citizen that essential principle of a republic: virtue, patriotism.

The patriot has been defined to be one who loves the home he inhabits, the trees that give him shade and the hills that stand in his pathway.

The tenant or renter having no home to love, no castle to defend, no sacred ties to bind him, no vine or fig tree to watch to maturity, cannot

nurture patriotism, and it is for this reason that the home of the citizen should be guaranteed him, his dependent wife and children. It is appalling to witness the rapidity with which the lands of the State are passing into the hands of aliens and foreign corporations. If it is not checked our people will soon become as the Arabs of the desert or the wandering Jews of Russia, and patriotism will be dead. Let us preserve our homes for South Carolinians and perpetuate that individuality so characteristic of our people.

EDUCATION.

The question of education is of vital importance and the most serious one to deal with. It is a principle of government that the best educated people are the happiest and easiest governed. It is of more importance than the question of suffrage, because it should be the first requisite to the enjoyment of citizenship. The beginning of a citizen is at home, but his maturity is in the school and college. The schoolmaster thus becomes the most important personage under the government. It is the duty of the State to furnish to the masses that education which fits them for citizenship, and to this end our common schools should be liberally supported by taxation. Experience has proved the wisdom of separate education of the races, and the Constitution should provide for the maintenance of a white and colored school in each district in the State. Give to the citizen the right to designate the school to which his tax should be applied, and leave to the trustees the distribution of the tax of corporations upon an equable basis. A common school education creates a demand for a higher or collegiate one, and it is your duty to support the higher institutions of learning in the State. See that no lights are put out—rather let more be established. The great mass of the people never complain of taxation for education when they know they derive the direct benefit.

No fixed amount of taxation should be placed in the Constitution; it should be left in the hands of the people who pay it or to their representatives in the Legislature.

SUFFRAGE.

There should be an educational qualification for the right of suffrage if the supremacy of intelligence is to be preserved. It is no injustice to any man, black or white, to have such a qualification, for only the intelligent are capable of governing. We must do our duty in this matter boldly and fearlessly, without regard to the censure of foreigners and aliens. We have experienced the cost and hardship of the rule of the ignorant, and know what it means.

There is no room in this Convention for factional differences, and he who does not deprecate such is unworthy a seat in this hall. We have seen that white men can divide, and it is your duty, in view of such division, to so fix your election laws that your wives, your children and your homes will be protected and Anglo-Saxon supremacy preserved. Fix it as in your judgment appears wisest. This much is expected of you by your people and the outside world.

CORPORATIONS.

Ample provision should be made to protect the people against the encroachments of corporate wealth and influence—against plutocracy. Corporations in South Carolina are becoming most powerful. In the last four years the capacity and wealth of manufactories have more than doubled. Our laws, our climate and our labor offer special inducements for the operation of cotton mills in the State, and, while you owe a duty to them, you owe it to the people as well. The operatives in our factories are neither anarchists, socialists nor foreigners; they are native-born South Carolinians, with all that that word implies. You should see to it that in their poverty they are not oppressed. Whether a special officer should be appointed to look after this, is for you to determine in your wisdom. In my judgment the small salary he would be paid would be fully compensated by the good he would accomplish. Especially should some provisions be made against corrupt influences in elections and the intimidation of electors by corporate authorities. In municipalities there is corruption and dishonest means and influences used in elections. It is your duty to throw around such municipal elections the same safeguards used in State elections, and thus insure to the people of towns and cities the same fairness and honesty practiced by people in the country.

With these reflections I leave these questions with you. I have given my ideas to you, as I deemed it my duty to do, and not for the purpose of influencing you. As I look at the personnel of this Convention, I must congratulate the people upon sending you here, and no one can question their wisdom. Let your work go forth not as the work of a faction, but as coming from the sovereignty of the State, and around which a divided people may unite and say this is our Constitution. You will then receive the well-done of the whole people, and your posterity will rise and bless the work of their fathers. May God send you wisdom and imbue your hearts and minds with justice and moderation.

I now declare the Convention ready for business.

Mr. EFIRD offered the following resolution, which was considered immediately and agreed to:

Resolved, That the Convention do now proceed to the election of a Reading Clerk, and that the applicants for the position be required to appear at the desk of the Reading Clerk and read any matter submitted to them by the President.

Mr. OTTS nominated Mr. G. Walt Whitman.

Mr. TIMMERMAN seconded the nomination.

Mr. W. D. EVANS nominated Mr. A. H. Dagnall.

Mr. J. L. GLENN nominated Mr. John Withers.

The PRESIDENT appointed Messrs. Behre and Gunter, Tellers.

The Secretary called the roll, and the delegates voted *viva voce,* with the following result:

Mr. Dagnall received..... 84 votes.
Mr. Withers received..... 54 votes.
Mr. Whitman received..... 11 votes.

Total vote cast.....149

The PRESIDENT announced that Mr. Dagnall having received a majority of all the votes cast was duly elected Reading Clerk of the Convention.

Mr. GRAY offered the following resolution:

Resolved, That the President of the Convention appoint two Assistant Clerks, upon the recommendation of the Clerk, to assist the Clerk in his duties; also, that the President appoint six Pages and four Laborers.

Mr. STANYARNE WILSON offered the following as a substitute for Mr. Gray's resolution, which was agreed to:

Resolved, That the President of the Convention be, and he is hereby, authorized and directed to appoint the following officers and employees of this Convention, to wit: two Assistant Secretaries, Journal Clerk, Bill Clerk, Doorkeeper, Assistant Doorkeeper, Gallery Doorkeeper, Postal Clerk, six Pages, and two Laborers. That they each receive the same per diem as the members of this Convention, except the Pages and Laborers, who shall each receive a per diem of one dollar and fifty cents.

Mr. SHEPPARD offered the following resolution, which was agreed to:

Resolved, That in order to expedite the business of this Convention the President be authorized to appoint Standing Committees, consisting of eleven members each, on the following subjects, and said Committees shall consider all such matters as shall be referred to them respectively, and report their action thereon to the Convention, to wit:

1. Committee on Declaration of Rights.
2. Committee on Legislative Department.
3. Committee on Executive Department.
4. Committee on Judicial Department.
5. Committee on Jurisprudence.
6. Committee on Eminent Domain.
7. Committee on Impeachments.
8. Committee on Right of Suffrage.
9. Committee on Finance and Taxation.
10. Committee on Education.
11. Committee on Charitable and Penal Institutions.
12. Committee on Municipal Corporations and Police Regulations.
13. Committee on Corporations.
14. Committee on Militia.
15. Committee on Printing.

16. Committee on Contingent Accounts and Expenses.
17. Committee on Amendments of the Constitution.
18. Committee on Engrossed Resolutions and Ordinances.
19. Committee on Miscellaneous Matters.
20. Committee on Order, Style and Revision of the Whole Constitution, to consist of fifteen members, to which Committee all matters to be incorporated in the Constitution shall be referred after action thereupon by the Convention.
21. Committee on Counties and County Government.

Also a Committee on Rules, to consist of five (5) members, of which the President of the Convention shall be *ex officio* a member.

On motion of Mr. ALDRICH, the Convention proceeded to the allotment of seats to delegates, under Rule 81 of the House of Representatives, which resulted as follows :

Abbeville—Seats Nos. 47, 60, 59, 58, 78, 79.
Aiken—Seats Nos. 80, 71, 81.
Anderson—Seats Nos. 122, 123, 115, 116, 106, 107.
Barnwell—Seats Nos. 19, 20, 21, 30, 29, 28.
Berkeley—Seats Nos. 121, 124, 132, 133, 136, 140, 81.
Beaufort—Seats Nos. 90, 143, 142, 99, 141.
Charleston—Seats Nos. 148, 146, 145, 45, 144, 54, 63, 62, 61.
Chester—Seats Nos. 14, 15, 16, 17.
Chesterfield—Seats Nos. 23, 24, 25.
Clarendon—Seats Nos. 152, 151, 150, 149.
Colleton—Seats Nos. 64, 65, 55, 56, 57.
Darlington—Seats Nos. 114, 113, 105, 104.
Edgefield—Seats Nos. 75, 76, 77, 85, 137, 125.
Fairfield—Seats Nos. 117, 137, 108, 139.
Florence—Seats Nos. 95, 96, 86, 87.
Georgetown—Seats Nos. 128, 8, 9.
Greenville—Seats Nos. 126, 130, 131, 135, 134, 129.
Hampton—Seats Nos. 84, 93, 94.
Horry—Seats Nos. 37, 38, 46.
Kershaw—Seats Nos. 51, 52, 53.
Lancaster—Seats Nos. 12, 13, 22.
Laurens—Seats Nos. 74, 73, 83, 82.
Lexington—Seats Nos. 118, 119, 120.
Marion—Seats Nos. 101, 100, 91, 92.
Marlboro—Seats Nos. 112, 111, 102, 103.
Newberry—Seats Nos. 110, 109, 10, 11.
Oconee—Seats Nos. 4, 5, 6.
Orangeburg—Seats Nos. 39, 40, 41, 48, 50, 49.

Pickens—Seats Nos. 1, 2, 3.
Richland—Seats Nos. 66, 67, 68, 69, 70.
Spartanburg—Seats Nos. 158, 159, 156, 157, 155, 154, 160.
Sumter—Seats Nos. 33, 34, 35, 42, 43, 44.
Union—Seats Nos. 153, 72, 31, 32.
Williamsburg—Seats Nos. 97, 98, 89, 88.
York—Seats Nos. 18, 147, 26, 27, 36.

Mr. EFIRD offered the following resolution, which, on motion of Mr. SHEPPARD, was ordered to lie over for consideration until to-morrow:

Resolved, That the following Committees are hereby authorized, in their discretion, to employ each a clerk, who shall receive the same per diem as the members of this Convention. to wit: Committees on Legislative Department, on Executive Department, on Judicial Department, on Right of Suffrage, on Finance and Taxation, on Education, on Corporations, on Municipal Corporations and Police Regulations, on Counties and County Government.

Resolved, also, That such clerks, when not engaged in their respective Committees, shall be subject to the order of the Secretary of the Convention, and shall be required under such Clerk to do the engrossing for the Convention.

On motion of Mr. SHEPPARD, the Convention adjourned at 3 P. M. to meet at 11 o'clock A. M. to-morrow.

SECOND DAY.

Wednesday, September 11, 1895.

The Secretury called the roll.
The PRESIDENT assumed the chair.
A quorum being present, the proceedings were opened with prayer by the Rev. Mr. ABNEY.
No provision having been made for the Convention printing, the reading of the Journal of yesterday was postponed until to-morrow.

APPOINTMENTS.

The PRESIDENT announced the following appointments:

Assistant Secretary—P. L. Melton.

Journal Clerk—J. T. Gantt.

Doorkeeper—R. M. Jolly.

Assistant Doorkeeper—Joseph Witherspoon.

Gallery Doorkeeper—W. J. Shelton.

Postal Clerk—E. P. Jenkins.

Pages—Glenn Smith, Joseph Robinson, J. B. Hughes, Belton Drafts Caughman, J. W. McCalla, U. R. Brooks, Jr.

Laborers—W. W. Lazenberry, West Oliphant.

RESOLUTIONS.

Mr. D. S. HENDERSON—

A resolution relating to the granting of divorces in this State.

Which was read the first time and referred to the Legislative Committee.

Mr. EFIRD—

A resolution relating to the right of suffrage.

Which was read the first time and referred to the Committee on Suffrage.

Mr. D. S. HENDERSON—

A resolution as to the oaths to be taken by all the officers to be elected or appointed.

Which was read the first time and referred to the Judiciary Committee.

Mr. D. S. HENDERSON—

A resolution relating to trial by jury and the compensation of juries.

Which was read the first time and referred to the Judiciary Committee.

Mr. D. S. HENDERSON—

A resolution as to the exercise of suffrage in the cities, towns and villages of the State.

Which was read the first time and referred to the Committee on Municipal Corporations and Police Regulations.

Mr. HUTSON—

A resolution relating to the rights of married women.

Which was read the first time and referred to the Committee on Legislative Department.

Mr. GEORGE E. PRINCE—

A resolution relating to the formation of new counties.

Which was read the first time and referred to the Committee on County Government.

Mr. RUSSELL—

A resolution relating to the public printer and printing.

Which was read the first time and referred to the Committee on Printing.

Mr. EFIRD—

A resolution relating to counties and county government.

Which was read the first time and referred to the Committee on County Government.

Mr. D. S. HENDERSON—

A resolution as to the cost of reporting stenographically the proceedings of this Convention.

Which was read the first time and referred to the Committee on Printing.

Mr. GRAY offered the following resolution, which was considered immediately and agreed to:

Resolved, That the Secretary of the Convention be authorized and required to furnish for the use of the Convention and the several committees such stationery as may be necessary. The amount so to be furnished not to exceed one hundred and fifty dollars.

Mr. GRAY offered the following resolution, which was considered immediately and agreed to:

Resolved, That the State Printer be requested to print the necessary proceedings of the Convention at the same scale of prices paid him for Legislative printing, until a permanent award of the printing for the Convention shall be made.

Mr. SHEPPARD offered the following resolution:

Resolved, That the members of this Convention shall receive as compensation two ($2.00) dollars per diem during the session of the Convention and five cents per mile coming to and returning from the same.

Mr. ROGERS moved to amend by striking out $2.00 and inserting $4.00.

After debate, participated in by Messers. Burn, Ellerbe, Timmerman, Prince, Watson, McCalla, Clayton and others,

Mr. CLAYTON moved to lay the amendment on the table.

Mr. ELLERBE demanded the yeas and nays.

The question being put: "Will the Convention agree thereto ?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows :

Yeas, 109; nays, 38.

Those who voted in the affirmative are :

Messrs. Aldrich, Alexander, Ashe, Atkinson, Bates, Behre, Berry, Bowen, Bowman, Bradham, Breazeale, J. S. Brice, T. W. Brice, Bryan, Buist, Burn, Byrd, Cantey, Clayton, Cooper, Dennis, Dent, Derham, Douglass, Doyle, Efird, Ellerbe, Estridge, W. D. Evans, Field, Floyd, Fraser, Gamble, Garris, Gary, Gilland, J. P. Glenn, Gooding, Graham, Gray, Gunter, Hamel, Harris, Harrison, Hay, Haynsworth, D. S. Henderson, Wm. Henderson, Henry, Hiers, Hodges, Houser, Hutson, Irby, George Johnstone, Ira B. Jones, Wilie Jones, Keitt, J. W. Kennedy, Lee, Lowman, McCown, McDermotte, McKagen, McMahan, McWhite, Matthews, Meares, Mitchell, Moore, Morrison, Mower, Nash, Nathans, Nicholson, Oliver, Otts, Parler, Patterson, Patton, Peake, Prince, Ragsdale, Rosborough, Rowland, Russell, Sheppard, Shuler, Singletary, Sloan, A. J. Smith, Jeremiah Smith, R. F. Smith, W. C. Smith, Smoak, Stackhouse, Stokes, Stribling, Sullivan, Talbert, B. R. Tillman, G. D. Tillman, Timmerman, Watson, Wells, Wharton, A. H. White, S. E. White, Wiggins, Stanyarne Wilson, W. B. Wilson and Winkler.—111.

Those who voted in the negative are:

Messrs. Anderson, Austin, Barker, Barry, Barton, Bobo, DeHay, Dudley, Farrow, Fitch, Gage, J. L. Glenn, Hemphill, Howell, Jervey, T. E. Johnson, E. J. Kennedy, Klugh, McCalla, McCaslan, McGowan, McMakin, J. D. Montgomery, W. J. Montgomery, Murray, Parrott, Perritte, J. H. Read, Redfearn, Rogers, Scarborough, Sligh, Smalls, Taylor, VonKolnitz, Waters, Wigg and Woodward.—38.

So the Convention agreed to table the amendment, and the resolution of Mr. Sheppard was agreed to.

Mr. ALDRICH moved that a temporary rule be adopted that a motion to lay on the table shall not cut off debate, which was agreed to.

Mr. STANYARNE WILSON moved that when the Convention adjourn it stand adjourned till 11 A. M. to-morrow.

Mr. BUIST moved to amend by inserting 10 instead of 11 A. M.

Mr. GEO. JOHNSTONE moved as a substitute, that when the Convention adjourn that it stand adjourned till 12 M. to-morrow.

The PRESIDENT announced the following standing committees:

Declaration of Rights.

Mr. J. L. M. Irby.
Mr. J. E. Ellerbe.
Mr. J. O. Byrd.
Mr. J. S. Cantey.
Mr. J. M. Sullivan.
Mr. W. H. Timmerman.
Mr. Geo. S. Mower.
Mr. Geo. von Kolnitz.
Mr. F. P. Taylor.
Mr. W. T. Bobo.
Mr. W. R. Singletary.

Executive.

Mr. C. M. Efird.
Mr. J. Walter Gray.
Mr. M. P. Howell.
Mr. J. C. Klugh.
Mr. L. S. Connor.
Mr. J. N. Estridge.
Mr. J. T. Douglass.
Mr. R. D. Lee.
Mr. A. J. Smith.
Mr. G. W. Ragsdale.
Mr. J. H. Scarborough.

Legislative Department.

Mr. J. A. Sligh.
Mr. John C. Sheppard.
Mr. B. B. McWhite.
Mr. S. E. White.
Mr. H. B. Buist.
Mr. W. L. Rosborough.
Mr. J. N. Parrott.
Mr. T. M. Gilland.
Mr. Geo. D. Tillman.
Mr. G. W. Gage.
Mr. J. D. McDermott.

Judicial.

Mr. Stanyarne Wilson.
Mr. Robert Aldrich.
Mr. J. E. Breazeale.
Mr. Geo. Johnstone.
Mr. I. W. Bowman.
Mr. Theo. G. Barker.
Mr. W. C. McGowan.
Mr. C. L. Winkler.
Mr. C. H. Peake.
Mr. G. W. Gage.
Mr. W. J. Stribling.

Jurisprudence.

Mr. G. Duncan Bellinger.
Mr. E. J. Dennis.
Mr. Frank B, Gary.
Mr. A. S. Farrow.
Mr. C. H. Peake.
Mr. R. D. Lee.
Mr. J. Lyles Glenn.
Mr. W. M. Fitch.
Mr. J. C. Klugh.
Mr. T. I. Rogers.
Mr. Geo. Johnstone.

Eminent Domain.

Mr. D. H. Russell.
Mr. H. H. Murray.
Mr. J. F. Ashe.
Mr. Geo. P. McKagen.
Mr. Jos. Oliver.
Mr. C. H. Peake.
Mr. J. B. Dent.
Mr. F. P. Woodward.
Mr. E. J. Kennedy.
Mr. D. J. Bradham.
Mr. Isaiah J. Reed.

IMPEACHMENT.

Mr. M. R. Cooper.
Mr. J. T. Hay.
Mr. G. J. Graham.
Mr. R. P. Stackhouse.
Mr. J. L. Shuler.
Mr. J. A. McDermott.
Mr. E. H. Houser.
Mr. A. S. Waters.
Mr. Geo. von Kolnitz.
Mr. G. W. Ragsdale.
Mr. R. B. Anderson.

RIGHTS OF SUFFRAGE.

Mr. B. R. Tillman.
Mr. A. H. Patterson.
Mr. J. P. K. Bryan.
Mr. R. H. Hodges.
Mr. C. W. Garris.
Mr. D. J. Bradham.
Mr. H. J. Haynsworth.
Mr. L. D. Harris.
Mr. W. C. McGowan.
Mr. C. J. C. Hutson.
Mr. M. O. Rowland.

FINANCE AND TAXATION.

Mr. W. D. Evans.
Mr. G. E. Prince.
Mr. W. J. Talbert.
Mr. J. P. Derham.
Mr. J. H. Wharton.
Mr. F. P. Woodward.
Mr. Jos. L. Keitt.
Mr. O. R. Lowman.
Mr. T. J. Cunningham.
Mr. C. A. Barry.
Mr. E. J. Dennis.

Education.

Mr. Julian Mitchell.
Mr. R. B. Watson.
Mr. E. H. Houser.
Mr. R. L. Gnnter.
Mr. Geo. S. Mower.
Mr. H. C. Patton.
Mr. A. H. Patterson.
Mr. John J. McMahan.
Mr. T. I. Rogers.
Mr. E. L. Lybrand.
Mr. E. J. Kennedy.

Charitable and Penal Institutions.

Mr. W. J. Gooding.
Mr. J. P. Glenn.
Mr. T. J. Cunningham.
Mr. O. M. Doyle.
Mr. H. C. Burn.
Mr. W. T. Bowen.
Mr. J. H. Read.
Mr. J. M. Sprott.
Mr. Sheppard Nash.
Mr. S. W. Gamble.
Mr. Jeremiah Smith.

Municipal Corporations and Police Regulations.

Mr. D. S. Henderson.
Mr. W. C. Smith.
Mr. W. F. Clayton.
Mr. J. N. Nathans.
Mr. W. A. Nicholson.
Mr. G. G. Wells.
Mr. Wilie Jones.
Mr. J. D. Montgomery.
Mr. J. T. Hay.
Mr. J. Perry Glenn.
Mr. R. A. Meares.

Corporations.

Mr. J. W. Stokes.
Mr. G. D. Bellinger.
Mr. J. L. Shuler.
Mr. W. B. Wilson.
Mr. Geo. H. Bates.
Mr. L. E. Parler.
Mr. Ira B. Jones.
Mr. J. D. Montgomery.
Mr. Hugh M. Barton.
Mr. Jeremiah Smith.
Mr. T. E. Dudley.

Militia.

Mr. J. W. Floyd.
Mr. J. C. Otts.
Mr. J. B. Wiggins.
Mr. Jos. Oliver.
Mr. D. H. Behre.
Mr. J. P. Derham.
Mr. O. R. Lowman.
Mr. A. J. Smith.
Mr. J. W. Gray.
Mr. Robert Smalls.
Mr. Sheppard Nash.

Contingent Accounts and Expenses.

Mr. W. T. Field.
Mr. A. H. White.
Mr. W. A. Nicholson.
Mr. J. N. Nathans.
Mr. R. L. Gunter.
Mr. R. C. McMakin.
Mr. H. B. Buist.
Mr. F. P. Taylor.
Mr. J. L. Keitt.
Mr. M. M. Fitch.
Mr. J. J. McMahan.

PRINTING.

Mr. R. R. Hemphill.
Mr. D. H. Behre.
Mr. W. F. Clayton.
Mr. John B. Dent.
Mr. J. W. Hamel.

AMENDMENTS.

Mr. J. B. Morrison.
Mr. C. M. Hiers.
Mr. A. J. Perritt.
Mr. G. J. Graham.
Mr. A. S. Waters.
Mr. J. S. Brice.
Mr. R. F. McCaslan.
Mr. E. F. Matthews.
Mr. R. O. Atkinson.
Mr. R. M. McCown.
Mr. W. J. Whipper.

ENGROSSED RESOLUTIONS AND ORDINANCES.

Mr. W. J. Montgonery.
Mr. R. M. McCown.
Mr. Wm. Henderson.
Mr. A. S. Farrow.
Mr. M. P. Howell.
Mr. I. W. Bowman.
Mr. T. E. Dudley.
Mr. H. H. Murray.
Mr. L. E. Parlor.
Mr. T. M. Gilland.
Mr. Thos. Miller.

RULES.

Mr. J. G. Evans, *ex officio*.
Mr. Ira B. Jones.
Mr. J. C. Sheppard.
Mr. C. W. Garris.
Mr. J. E. Breazeale.

MISCELLANEOUS MATTERS.

Mr. John T. Sloan.
Mr. W. H. Timmerman.
Mr. W. E. Carver.
Mr. J. C. Alexander.
Mr. T. W. Brice.
Mr. A. H. DeHay,
Mr. W. St. J. Jervey.
Mr. A. H. White.
Mr. James Wigg.
Mr. R. F. Smith.
Mr. E. B. Berry.

COUNTIES AND COUNTY GOVERNMENT.

Mr. J. T. Austin.
Mr. Geo. D. Tillman.
Mr. F. B. Gary.
Mr. E. N. Redfearn.
Mr. A. K. Smoak.
Mr. T. E. Johnson.
Mr. J. W. Kennedy.
Mr. J. O. A. Moore.
Mr. J. C. Otts.
Mr. A. J. Harrison.
Mr. R. R. Stackhouse.

ORDER, STYLE AND REVISION.

Mr. T. B. Fraser.
Mr. B. R. Tillman.
Mr. Stanyarne Wilson.
Mr. C. M. Efird.
Mr. J. W. Stokes.
Mr. Julian Mitchell.
Mr. D. S. Henderson.
Mr. J. L. M. Irby.
Mr. Robert Aldrich.
Mr. C. J. C. Hutson.
Mr. J. E. Ellerbe.
Mr. I. H. McCalla.
Mr. R. R. Hemphill.
Mr. H. Cowper Patton.
Mr. W. J. Gooding.

Mr. GEORGE JOHNSTONE offered the following Resolution, which was considered immediately and agreed to :

Resolved, That the President of this Convention be requested to make arrangements for prayer at the opening of the sessions of the Convention.

On motion of Mr. STANYARNE WILSON, the Convention adjourned at 2:20 P. M. until 12 M. to-morrow.

THIRD DAY.

Thursday, September 12, 1895.

The Convention assembled at 12 o'clock M.

The Secretary called the roll.

The PRESIDENT took the chair.

A quorum being present, the deliberations were opened with prayer by the Rev. Mr. ABNEY.

The Journal of yesterday's proceedings was read and confirmed.

REPORTS.

Mr. SHEPPARD, in behalf of the Committee on Rules, submitted a report and asked its immediate consideration.

To the President and Members of the Convention :

The Committee on Rules respectfully submit the following report: That they have carefully considered the matter of Rules which should be adopted for the government of the Convention ; and they respectfully recommend the adoption of the Rules hereto attached.

All of which is respectfully submitted.

JNO. GARY EVANS,
IRA B. JONES,
J. C. SHEPPARD,
C. W. GARRIS,
J. E. BREAZEALE.

CHAPTER I.

THE POWERS AND DUTIES OF THE PRESIDENT AND VICE-PRESIDENTS.

RULE I. The President shall take the chair each day at the hour to which the Convention shall have adjourned and shall call the Convention to order. The Secretary shall call the roll of the Convention, and if a quorum be present the President shall proceed to business in the manner prescribed by these Rules. The Convention shall meet at 11 A. M. each day, except Sunday, until otherwise ordered.

RULE II. He shall possess the power to discharge the duties herein prescribed:

1st. He shall preserve order and decorum, and in debate shall prevent personalities, and confine the members to the question under discussion.

2nd. He shall accord the floor to the member who first rises at his seat and addresses him; when two or more members rise at the same time, he shall name the one entitled to the floor.

3d. He shall decide all questions of order, subject to appeal to the Convention. On every appeal he shall have the right in his place to assign his reason for his decision.

4th. He shall appoint all committees except where the Convention shall otherwise order.

5th. He may appoint any member to perform the duties of the Chair during the absence or inability of the Vice-Presidents to act. Whenever the Convention shall go into committee of the whole he shall name a Chairman to preside therein, subject to the right of the committee to elect its own Chairman.

6th. He shall have the control of the corridors and galleries; in case of disturbance or disorderly conduct in the galleries, corridors or passages he shall have the power to order the same to be cleared, and may cause any person guilty of such disturbance or disorderly conduct to be brought before the bar of the Convention. In all such cases the Convention may take such measures as shall be deemed necessary to prevent a repetition of such misconduct or for the punishment of the offender.

7th. He shall be entitled to the privileges of debate and to vote upon all questions before the Convention; if with his vote there shall be a tie, the question shall be deemed lost. Whenever a vote shall be taken by yeas and nays, the name of the President shall be called last.

8th. He shall be *ex officio* Chairman of the Committee on Rules.

9th. In the absence of the President, or his inability to preside, the duties of his office shall devolve upon one of the Vice-Presidents, to be named by him.

CHAPTER II.

ORDER OF BUSINESS.

RULE III. The first business of each day's session after the calling of the roll of the Convention shall be the reading of the Journal of the preceding day and the correction of the errors that may be found to exist therein.

The reading of the Journal may be dispensed with upon the order of the Convention. Immediately thereafter, except when otherwise ordered, the order of business shall be as follows:

1st. Presentation of memorials. Under this head shall be included petitions or communications from individuals and from public bodies.

2nd. Notices, motions, resolutions, ordinances and propositions for revising, amending or changing the Constitution to be called for from counties alphabetically; provided that the alphabetical call may be dispensed with.

3rd. Report of standing committees.

4th. Report of special committees.

5th. Unfinished business.

6th. Special orders.

7th. General orders; under which shall be included third reading of proposed amendments to the Constitution.

8th. Report from the Committee on Engrossed Resolutions may be received under any order of business; except that no such report shall be made while the yeas and nays are being called, or while a member is addressing the Convention.

CHAPTER III.

RIGHTS AND DUTIES OF MEMBERS.

RULE IV. Petitions, memorials, resolutions, and any other papers addressed to the Convention, may be presented by any member in his place, read by their titles and referred to the proper committee; except that any resolution, not involving an amendment to the Constitution, may be considered immediately, unless ten members object.

RULE V. Any member presenting a paper shall endorse the same with his name, the title, and a concise statement of the subject matter to which it relates. A report of a committee may be endorsed with a statement of such report, together with the name of the committee making the report, and shall be signed by the Chairman, or other member of the committee acting as such.

RULE VI. Every member who shall be within the bar of the Convention when a question is stated from the Chair shall vote thereon, unless he be excused by the Convention, or unless he be directly interested in the question. If a member be absent when a vote is taken, he may be permitted to state how he would have voted had he been present, and the statement may be entered in the Journal.

RULE VII. Any member requesting to be excused from voting may make, when his name is called, a brief statement of the reason for making such request, and the Convention without debate shall decide if it will grant such request; nothing herein shall abridge the right of a member to record his vote on any question previous to the announcement of the result by the Chair.

RULE VIII. No member rising to debate, give a notice, make a motion, or present a paper of any kind, shall proceed until he shall have addressed the President, and been recognized by him as entitled to the floor. While the President is putting a question, or a count is being made, no member shall speak or leave his place.

CHAPTER IV.

ORDER AND DEBATE.

RULE IX. No person shall speak more than once on the same question until other members desiring to speak on such question shall have spoken; nor more than twice without leave of the Convention.

RULE X. If any person in speaking transgress the rules of the Convention, the President shall, or any member may, call him to order, in which case the member so called to order shall immediately sit down, and shall not speak again unless to explain or to proceed after the matter shall have been adjusted.

RULE XI. All questions relating to the priority of one question or subject matter over another, or the postponement of any special order, or the suspension of any Rule, shall be decided without debate.

RULE XII. Each member shall be furnished daily with a calendar, which shall contain a list of the unfinished business, special orders, and general orders, and each matter to be included thereon to be given by its title, and each to be numbered according to its order.

RULE XIV. Any matter may be made a special order for any particular day by the order of the Convention.

RULE XV. After a motion shall be stated by the President, it shall be deemed in the possession of the Convention, but may be withdrawn at any time before it shall be amended or decided.

CHAPTER V.

MOTIONS AND THEIR PRECEDENCE.

RULE XVI. When a matter is under consideration, the following motions only shall be received, which motions shall have precedence in the order stated, namely: Motions to or for—

1st. Adjourn for the day.
2nd. Recess.
3rd. Call of the Convention.
4th. Previous question.
5th. Lay on the table.
6th. Postpone indefinitely; or to a day certain.
7th. To commit.
8th. To amend.

RULE XVII. Motion to adjourn or to take a recess shall always be in order.

RULE XVIII. No amendment or motion shall be received while an amendment is pending, unless it be an amendment to an amendment and germane to the subject.

RULE XIX. A motion to reconsider any vote must be made on the same day on which the vote proposed to be reconsidered was taken, or on the next succeeding day, and by a member who voted with the prevailing side, if the vote was taken by yeas and nays; if the vote was not taken by yeas and nays, any member may move to reconsider. When a motion for reconsideration is decided, such decision shall not be reconsidered, and no question shall be twice reconsidered.

RULE XX. The following motions shall be decided without debate; but the President in his discretion may indulge a brief statement in reference to either of them:

1st. To adjourn.

2d. For recess.

3d. To lay on the table.

4th. For the previous question.

RULE XXI. The yeas and nays may be ordered upon the demand of ten members.

RULE XXII. The previous question may be ordered upon the demand of a majority of the members present.

CHAPTER VI.

THE CONVENTION HALL AND PRIVILEGES OF ADMISSION.

RULE XXIII. The following classes of persons, besides officers and members of the Convention, shall be entitled to admission to the floor of the Convention during the session thereof:

1st. Governor, Lieutenant-Governor and ex-Governors of the State.

2d. Judges of the Supreme Court and of the Circuit Courts.

3d. Members of the Senate and House of Representatives.

4th. State officials.

5th. United States Senators and members of Congress from South Carolina.

6th. Representatives of the press.

No other persons shall be admitted to the floor during the session, except upon the permission of the President in writing or by vote of the Convention.

CHAPTER VII.

PROPOSED AMENDMENTS TO THE CONSTITUTION.

RULE XXIV. No resolution for revising, amending or changing the Constitution shall be introduced in the Convention, except in one of the following modes, viz.:

First. Under the order of introduction of resolutions for amendment by Counties alphabetically—as prescribed in Rule three.

Second. By report of a Committee.

RULE XXV. The title of each resolution for revising, amending or changing the Constitution shall state concisely its subject matter; and shall state the article and section of the present Constitution, as far as practicable, to which it relates.

RULE XXVI. Every resolution for revising, amending or changing the Constitution shall receive three separate readings previous to its final adoption, and the third reading shall be on a day subsequent to the day on which it received its second reading.

RULE XXVII. All resolutions for revising, amending or changing the Constitution after their first reading, which may be by title only, shall be referred to a standing or special committee for consideration. The report of the committee shall embody the article of the Constitution proposed by

it for adoption, which report shall be printed and placed on the desks of the members before it shall be considered. No other matter shall be printed except by order of the Convention.

RULE XXVIII. Resolutions for a second reading shall be placed on the calendar, and shall be considered in connection with the report of the committee thereon; after due consideration of the resolution, and the report of the committee thereon, the question shall be: "Shall this resolution be ordered for a third reading?" which question being decided in the negative, the resolution shall be rejected; but if the question is decided in the affirmative, the resolution shall be ordered engrossed for a third reading.

RULE XXIX. No resolution for revising, amending or changing the Constitution shall be put upon its third reading until it shall have been reported by the Committee on Engrossed Resolutions as correctly revised and engrossed, unless by unanimous consent.

RULE XXX. When a resolution for revising, amending or changing the Constitution shall have been read the third time, the question shall be—"Shall this resolution be adopted?" If this question be decided in the negative, the resolution shall be rejected; but if the question is decided in the affirmative, the resolution shall be referred to the Committee on Style and Revision of the Constitution.

RULE XXXI. On the third reading of a resolution for revising, amending or changing the Constitution no amendment shall be in order other than to fill blanks, except by a vote of two-thirds of the members present.

RULE XXXII. A register shall be kept by the Secretary of all resolutions for revising, amending or changing the Constitution introduced in the Convention, in which shall be recorded, under appropriate heads, the progress of such proposed amendments from the date of their introduction to the time of their final disposition.

On motion of Mr. W. D. EVANS, Chapter VII was recommitted to the Committee on Rules.

CHAPTER VIII.

GENERAL RULES AND REGULATIONS.

RULE XXXIII. Equivalent motions, resolutions or amendments shall not be entertained. If a question contains several distinct propositions, the same may be divided by the order of the Convention; but a motion to "strike out and insert" shall not be divisible.

RULE XXXIV. When a blank is to be filled, and different sums or times shall be proposed, the question shall be first taken on the highest sum and the longest time.

RULE XXXV. A majority of the Convention shall constitute a quorum for the transaction of business; but a smaller number may take such action as may be necessary to secure the attendance of absent members by a "call of the Convention," or otherwise. When a "call of the Convention" shall be ordered no business shall be transacted until further proceedings under the call shall be dispensed with.

RULE XXXVI. It shall be the duty of the Secretary of the Convention to keep the Journal of each day's proceedings, which shall be printed and laid on the tables of members on the morning after its adoption. In addition to

his other duties he shall prepare and supervise the printing of the calendar of the orders of the day, and cause them to be placed on the tables of the members before the beginning of each day's session.

RULE XXXVII. A motion "to lay on the table" an amendment being agreed to shall not have the effect of disposing of the principal question or motion.

RULE XXXVIII. Whenever the previous question shall be ordered, the Chairman of the committee by which the matter was reported, and the mover of the matter under consideration, shall each be entitled to one hour for debate; which time may be consumed by them respectively, or distributed by them among others, as they may elect. In such cases, the Chairman of the committee shall be entitled to the reply.

RULE XXXIX. Whenever a question shall arise to which none of the foregoing rules are applicable, the same shall be disposed of according to the rules of practice prescribed by Cushing.

RULE XL. Any of the foregoing rules may be suspended by unanimous consent; and may be amended or rescinded by a vote of two-thirds of the members present, of which motion to amend or rescind one day's notice shall be given.

RULE XLI. At a reasonable time before the final adjournment of the Convention, to be determined by the Convention, the Committee on the Style and Revision of the Whole Constitution shall have accurately engrossed and enrolled the new Constitution entire, and the same shall be reported by said committee to the Convention, read through—Article by Article, Section by Section—and submitted to a final vote of the Convention prior to its final adjournment. If, upon such final vote, a majority of the members present shall vote in the negative, the proposed new Constitution shall be rejected; but if a majority of the members present shall vote in the affirmative, the same shall be adopted. In testimony whereof, the President and Vice-Presidents, Secretary, and each member present shall sign their names thereto, the signatures of a majority of the members present—if a majority of the whole Convention—shall constitute a sufficient attestation.

Mr. RAGSDALE objected to the immediate consideration.

Mr. SHEPPARD moved that the report be printed and laid on the desks of the members and made a special order for to-morrow immediately after the reading of the Journal.

The motion was adopted

Mr. SHEPPARD, from the Committee on Rules, submitted the following report, which was considered immediately and agreed to:

To the President and Members of the Convention:

The Committee on Rules respectfully report—

That they have carefully considered the matter of engrossing, for which provision has been made, and they respectfully submit the following suggestions:

1. That the President appoint an engrossing clerk who shall be in charge of the engrossing department, and who shall be responsible, under the

supervision of the Committee on Engrossed Resolutions and Ordinances, for the promptness and correctness of all engrossing and enrolling that may be ordered by the Convention.

2. That each of the following committees shall appoint one clerk, to wit:

The Committee on Counties and County Government.
The Committee on Declaration of Rights.
The Committee on Legislative Department.
The Committee on the Executive Department.
The Committee on the Judicial Department.
The Committee on Right of Suffrage.
The Committee on Finance and Taxation.
The Committee on Education.
The Committee on Miscellaneous Matters.

3. That each of the said Clerks shall attend the sessions of the said respective committees whenever called upon by the Chairman thereof, and perform such service as may be required by the said committees. And in addition to such service shall be subject to the orders and direction of the Engrossing Clerk, and shall, under his supervision, promptly and accurately engross all orders, ordinances or other matter that may be ordered engrossed.

4. That all matters ordered to be engrossed or enrolled shall be delivered to the Engrossing Clerk, and it shall be his duty to keep a correct register of all matters that shall be thus delivered to him, and after the same shall be correctly engrossed shall be delivered to the Chairman of the Committee on Engrossed Resolutions and Ordinances.

All of which is respectfully submitted.

JNO GARY EVANS,
IRA B. JONES,
J. C. SHEPPARD,
C. W. GARRIS,
J. E. BREAZEALE.

Mr. SLIGH, Chairman of the Committee on Legislative Department, submitted the following report, which was considered immediately and agreed to:

The Committee on Legislative Department, to whom was referred the resolution on granting divorces, and also the resolution in regard to the rights of married women incident to property, respectfully report that they have carefully considered the same, and recommend that both of these resolutions be referred to the Committee on Miscellaneous Matters.

All of which is respectfully submitted.

J. A. SLIGH, Chairman of Committee.

Mr. HUTSON asked the consent of the Convention to withdraw from the files of the Convention his resolution relating to married women; which was granted.

Mr. MILLER presented the contest papers of James Thorpe et al., contestants, vs. T. M. Gilland et al., contestees; which was referred to the Committee on the Right of Suffrage and Elections.

Mr. ALDRICH introduced draft of a Constitution, which he moved be printed and referred to appropriate committees.

After debate by Messrs. Efird, W. D. Evans, Aldrich, McCalla, Patton and others,

Mr. CLAYTON moved to lay the motion to print on the table; which was agreed to.

Mr. ALDRICH moved to refer the draft of a Constitution to the Committee on Judicial Department, with instructions to refer the various sections to the proper committees; which was agreed to.

ORDINANCES.

Mr. G. D. TILLMAN—

An ordinance to establish a new judicial and election county from a portion of the territory of Edgefield county, to be called "Saluda."

Which was read the first time and referred to the Committee on Counties and County Government.

Mr. B. R. TILLMAN—

An ordinance to establish a new judieial and election county from portions of the territory of Abbeville and Edgefield counties, to be known as "Mart Gary" county.

Which was read the first time and referred to the Committee on Counties and County Government.

Mr. GAGE—

An ordinance to prohibit the creation of corporations, except under general laws.

Which was read the first time and referred to the Committee on Corporations.

Mr. GAGE—

An ordinance to prohibit special legislation.

Which was read the first time and referred to the Committee on Legislative Department.

RESOLUTIONS.

Mr. GRAY—

A resolution relating to commutations of sentence, pardons, etc.

Which was read the first time and referred to the Committee on Executive Department.

Mr. BATES—

A resolution relating to corporations.

Which was read the first time and referred to the Committee on Corporations.

Mr. SULLIVAN—

A resolution prohibiting railroad corporations from consolidating with or controlling competing or parallel lines.

Which was read the first time and referred to the Committee on Corporations.

Mr. HUTSON—

A resolution to define the rights of married women as to property.

Which was read the first time and referred to the Committee on Judicial Department.

Mr. DUDLEY—

A resolution to prohibit divorce from bond of matrimony.

Which was read the first time and referred to the Committee on Miscellaneous Matters.

Mr. McWHITE—

A resolution to provide a public school fund and the distribution of the same and to provide for separate schools.

Which was read the first time and referred to the Committee on Education.

Mr. BATES—

A resolution in reference to existing laws.

Which was read the first time and referred to the Committee on Miscellaneous Matters.

Mr. PRINCE—

A resolution relating to homestead and exemptions.

Which was read the first time and referred to the Committee on Legislative Department.

Mr. FIELD—

A resolution to prevent the State lending its credit except for certain purposes.

Which was read the first time and referred to the Committee on Finance and Taxation.

Mr. RAGSDALE—

A resolution relating to the veto power of the Governor as to bills appropriating money from the Treasury.

Which was read the first time and referred to the Committee on Executive Department.

Mr. OTTS—

A resolution to prevent the aiding of any railroad or other corporation by counties, cities, towns and other municipal corporations subscribing to the capital stock thereof.

Which was read the first time and referred to the Committee on Municipal Corporations and Police Regulations.

Mr. BUIST—

A resolution to amend Article 10 of the present Constitution.

Which was read the first time and referred to the Committee on Education.

Mr. McWHITE—

A resolution instructing the Legislature to make provision for the pay of managers and clerks of the late election of delegates.

Which was read the first time and referred to the Committee on Contingent Accounts and Expenses.

Mr. OTTS—

A resolution to prevent the consolidation of railroad, electric car companies, telegraph companies, express companies, telephone companies, and other corporations from consolidating with competing or parallel lines.

Which was read the first time and referred to the Committee on Corporations.

Mr. BUIST—

A resolution in reference to lotteries in this State.

Which was read the first time and referred to the Committee on Miscellaneous Matters.

Mr. SULLIVAN—

A resolution relating to the income tax.

Which was read the first time and referred to the Committee on Finance and Taxation.

Mr. BUIST—

A resolution to amend Article XI, Section 1, of the present Constitution.

Which was read the first time and referred to the Committee on Charitable and Penal Institutions.

On motion of Mr. EFIRD, the Convention adjourned at 1:30 P. M. to meet at 1:30 P. M. to-morrow.

FOURTH DAY.

Friday, September 13, 1895.

The Convention assembled at 12 o'clock M.

The Secretary called the roll.

The PRESIDENT took the chair.

A quorum being present, the deliberations were opened with prayer by the Rev. J. C. ABNEY.

The Journal of yesterday's proceedings was read and confirmed.

RESOLUTIONS.

Mr. HODGES introduced the following resolution, which was read the first time and referred to the Committee on Finance and Taxation:

A RESOLUTION TO IMPOSE A TAX OF THREE MILLS FOR EDUCATIONAL PURPOSES.

Be it Resolved and Ordained by the people, in Convention assembled, and by the authority of the same:

1. That the General Assembly shall levy a tax of three mills annually upon all the taxable property in the State for educational purposes.

2. That each tax payer shall have the right, at the time of the payment of his tax, to indicate to the County Treasurer what school or schools in the county the tax paid by him shall be applied and used, but in the distribution it shall be apportioned among all the school districts according to the enrollment of pupils.

Mr. WHARTON introduced the following resolution, which was read the first time and referred to Committee on Judicial Department :

RESOLUTION TO REGULATE ELECTIONS AND FIX THE TERMS OF OFFICERS.

Resolved, That from and after the date of the next general election for State and county officers and members of the General Assembly, elections shall take place every four years for all State and county officers, and the term for all officers elected at the next general election, as well as those thereafter, shall be for the term of four years.

Mr. J. S. BRICE offered the following resolution, which was read the first time and referred to the Committee on Legislative Department :

RESOLUTION IN REGARD TO COMPENSATION OF MEMBERS OF GENERAL ASSEMBLY.

Be it resolved and ordained by the people of the State of South Carolina, in convention assembled, and by the authority of the same, That the following provisions shall constitute Section——, of Article——, of the Constitution of the State:

Each member of the General Assembly under this Constitution shall receive three dollars per diem while in regular or extra session, and the further sum of five cents for every mile of the ordinary route of travel in going to and returning from the place where such session is held.

Mr. HODGES introduced the following resolution, which was read the first time and referred to the Committee on Suffrage:

A RESOLUTION TO MAKE LICENSED MINISTERS OF THE GOSPEL INELIGIBLE TO HOLD OFFICE IN SOUTH CAROLINA.

Be it resolved and ordained by the people, in Convention assembled, and by the authority of the same, That no licensed minister of the gospel shall be allowed to hold any office of honor or trust in South Carolina.

Mr. FARROW introduced the following resolution, which was read the first time and referred to the Committee on Judicial Department:

RESOLUTION IN REFERENCE TO THE CREATION OF COURTS AND THE JURISDICTION THEREOF, AMENDING ARTICLE 4 OF CONSTITUTION OF THE STATE.

Be it resolved and ordained by the people of the State of South Carolina, in Convention assembled, and by the authority of the same, That the following provisions shall constitute Sections of Article of the Constitution of the State:

SECTION 1. There shall be a Supreme Court, Circuit Courts, and County Courts. The jurisdiction of these tribunals, except so far as the same is conferred by this Constitution, shall be regulated by law. The General Assembly may also establish such municipal and other inferior courts as may be deemed necessary.

SECTION 2. The Supreme Court shall consist of a Chief Justice and two Associate Justices, and as many more Associate Justices as may be provided by law, a majority of whom shall constitute a quorum. They shall be elected by a joint vote of the General Assembly for the term of eight years, and shall continue in office until their successors shall have been elected and qualified. They shall be so classified that not more than one Justice shall go out of office at the same time.

SECTION 3. The Supreme Court shall have appellate jurisdiction only in cases of chancery, and shall constitute a court for the correction of errors at law, under such regulations as the General Assembly may by law prescribe: *Provided,* The said Court, or any Justice thereof, shall always have power to issue writs of injunction, mandamus, quo warranto, habeas corpus,

and such other original and remedial writs as may be necessary to give it a general supervisory control over all other courts in the State: *Provided*, It shall not have jurisdiction in civil cases where the matter in controversy, exclusive of costs, is less in value or amount than one hundred dollars, except in controversies concerning the title or boundaries of land, the probate of a will, the appointment or qualification of a personal representative, guardian, committee, or curator, or concerning a mill, roadway, ferry, or landing, or the right of a corporation or of a county to levy tolls or taxes, and except in cases of habeas corpus, mandamus, and prohibition, or the constitutionality of a law.

SECTION 4. The State shall be divided into convenient circuits, and for each circuit a Judge shall be elected by joint ballot of the General Assembly, who shall hold his office for a term of six years, and during his continuance in office he shall reside in the circuit of which he is Judge.

SECTION 5. Judges of the Circuit Court shall interchange circuits with each other in such manner as may be determined by law.

SECTION 6. The Circuit Court shall have exclusive original jurisdiction in all matters of equity, and in all cases of divorce; they shall have exclusive original jurisdiction of all civil cases at law, except civil cases at law to recover personal property or money not of greater value or amount than one hundred dollars; they shall have power to issue writs of mandamus, prohibition, scire facias, and all other writs which may be necessary for carrying their powers fully into effect; they shall have appellate jurisdiction in all such cases, civil and criminal, as may be provided by law.

SECTION 7. In each county of the State there shall be a County Court, which shall be held monthly by a Judge learned in the law of the State, and a licensed practitioner thereof, and to be known as the County Court Judge. County Court Judges shall be chosen in the same manner as Judges of the Circuit Courts. They shall hold their office for a term of six years, and during their continuance in office they shall reside in their respective counties.

SECTION 8. County Courts shall have jurisdiction in all matters testamentary, and of administration, in business appertaining to minors, and the allotment of dower, in cases of idiocy and lunacy and persons non compos mentis; they shall have jurisdiction of civil cases at law to recover personal property or money where the value or amount claimed does not exceed one hundred dollars; they shall have exclusive original jurisdiction of all misdemeanors and felonies; they shall have appellate jurisdiction in such cases as may be provided by law.

SECTION 9. There shall be elected by the qualified voters of each county one Attorney for the State, who shall also be the State's Attorney for the Circuit Court; one County Clerk, who shall also be the Clerk of the Circuit Court, when not otherwise provided by law.

Mr. BUIST introduced the following Resolution, which was read the first time and referred to the Committee on Education:

RESOLUTION TO AMEND ARTICLE X, PROVIDING FOR THE MAINTENANCE OF THE CLEMSON AGRICULTURAL AND MECHANICAL COLLEGE.

Resolved, by the people of South Carolina, in Convention assembled, That the General Assembly shall provide for the maintenance of the Clemson

Agricultural and Mechanical College, and shall appropriate the land given to this State for the support of such a college by the act of Congress passed July the second, one thousand eight hundred and sixty-two, or the money or scrip, as the case may be, arising from the sale of said lands, or any money or lands which may hereafter be given or appropriated for such purpose for the support and maintenance of such college.

Mr BURN introduced the following Resolution, which was read the first time and referred to the Committee on Legislative Department:

Resolution in Regard to Family Homestead.

Section 1. There shall be set apart for the use and benefit of every head of a family, or guardian or trustee of a family of minor children, or every aged and infirm person, or person having the support of dependent females of any age, who is not the head of a family, real or personal property to the amount of fifteen hundred dollars, both or either as he may select, from the property at any time held in fee simple by such head of family, guardian or trustee. Said property shall be exempt from levy and sale by virtue of any legal process whatever.

Section 2. No court of justice or ministerial officer shall ever have jurisdiction or authority to enforce any judgment, execution or decree against the property set apart for such purpose, including such improvements as are made thereon from time to time, except for taxes or for the purchase money of the same.

Section 3. The debtor shall have no right to waive, mortgage or renounce in writing his right to the benefit of the exemption provided for in this Article, except for the purpose of purchasing another homestead of equal value; then it shall with the consent of the wife, if any, with the approval of the Circuit Judge, be sold for said purpose.

Section 4. The General Assembly shall provide by law, at its first session, for the setting apart and valuation of the said property.

Section 5. The applicant shall at all times have the right to increase this exemption by adding to an amount already set apart, which is less than the whole amount of exemption herein allowed, a sufficient amount to make this exemption equal to the whole amount.

Section 6. Rights which are vested under previously existing laws shall not be affected by anything herein contained.

Section 7. Parties who have taken a homestead under the Constitution of eighteen sixty-eight shall have the right to sell said homestead and reinvest the money in another homestead by order of the Circuit Judge of the county in which the property exists.

Mr. R. F. SMITH introduced the following resolution, which was read the first time and referred the Committee on Legislative Department:

RESOLUTION PROVIDING FOR A HOMESTEAD—AS A SUBSTITUTE FOR SECTION 32, ARTICLE 2.

Resolved by the Constitutional Convention of South Carolina, now assembled, and by and with the authority of the same, that,

1st. That a homestead in realty for the head of a family shall be exempt from levy and sale under legal process during the life of the head of the family, to inure to the benefit of the widow during her life and to the children during their minority: *Provided,* that the head of the family shall be in possession of said realty in fee or any lesser estate, and that the said head of family be in actual occupation of the homestead when the exemption is made: *and provided* the realty so exempted shall not exceed in value three hundred dollars, or in no case shall the number of acres be more than fifty.

The yearly products of such a homestead shall be exempt from levy and sale without regard to amount.

The homestead shall not be alienated or incumbered without the joint consent in writing of the husband and wife when such relations exist. This exemption shall not operate against public taxes nor debts contracted for the purchase money thereof or the improvements thereon.

A homestead in personalty to the head of each family shall also be exempt, whether or not the head of the family have a homestead in realty, to be made up of such household and kitchen furniture as the family may have, and such other property as the head of the family may choose, the whole not to exceed in value two hundred dollars.

The provisions against alienations or incumbrances shall not apply to the exemption in personalty.

Mr. PATTON introduced the following resolution, which was read the first time and referred to the Committee on Suffrage:

A RESOLUTION FOR THE REGULATION OF SUFFRAGE IN THE STATE OF SOUTH CAROLINA.

Be it ordained by the people of the State of South Carolina, in Convention assembled, and by the authority of the same, that the following provisions shall constitute Sections —— of Article of the Constitution of this State:

1. Every male citizen of the State of South Carolina of the age of twenty-one years, not laboring under disabilities named in this Constitution, who shall have resided in the State two years, and in the county in which he offers to vote ninety days next preceding any election, and who shall have paid all poll or other tax due by him to the State for the fiscal year preceding that in which he shall offer to vote; and who, in addition thereto,

(*a*) shall be able to read the Constitution in English print and sign his name; or

(*b*) shall own in his own name and return for taxation property in this State to the amount of three hundred dollars; or

(*c*) shall have been engaged in the active military or naval service of the late Confederate States of America; or

(*d*) shall be the lawful lineal descendant of a person who was engaged in such service, and shall be alive at the time of the adoption of this Constitution,

shall be a qualified elector of this State, and, when duly registered, shall be entitled to vote for all officers that are now or may hereafter be elected by the people, and upon all questions submitted to the electors at any election.

2. The General Assembly shall enact just and equal laws for the accurate registry of the qualified electors of this State, and they shall also establish convenient, fair and impartial tribunals to pass upon and determine the qualifications of persons offering themselves for registration as qualified electors.

3. A popular government cannot exist without a pure ballot; the General Assembly, therefore, shall enact stringent laws for the regulation of the registry and elections of this State, with severe penalties for the violation of the same. Any person who shall willfully violate such laws shall, upon conviction, in addition to such penalties as the General Assembly may impose, be forever disqualified from voting and debarred from holding public office in this State; and the disabilities imposed by this section shall not be removed by the pardon of the Governor or by Act of the General Assembly.

Mr. STOKES introduced the following resolution, which was read the first time and referred to Committee on Judicial Department:

Outline of Judicial System.

1. Taking the existing system as a basis, abolish the Supreme Court as such.

2. Substitute a Court of Appeals, to consist of all the Circuit Judges save that one whose court is under review by appeal.

3. Elect in each county one County Judge to preside in all misdemeanors and in cases involving less than $1,000—except matters of probate, testamentary and guardianship—of which he shall have original and exclusive jurisdiction.

4. In felonies and cases involving $1,000 or more, other than matters testamentary, or guardianship, or probate, let the Circuit Judge sit with the County Judge.

5. In cases of an aggravated nature like rape or murder, provide by law for a speedy trial of the cause at special sessions.

6. Elect one County Attorney in each county to perform duties of Solicitor and to act as State counsel to all the officers of the County. Of course this abolishes the office of Solicitor as such.

7. County Courts to sit at least once a month, and as often as the exigency may arise for a special session.

Mr. W. D. EVANS introduced the following resolution, which was read the first time and referred to the Committee on Counties and County Government:

Resolution on Creation of New Counties.

Resolved, That the General Assembly shall at its next session provide for the formation of such new counties having —— area of square miles and —— amount of taxable property as shall be asked for by a vote of three-

fourths of the qualified electors residing within the limits of the territory out of which the new county is proposed to be formed, giving proper regard to metes and boundaries: *And provided,* The formation of any new county does not reduce any old county below the legal requirement to be fixed by this Convention. Any territory so formed into a new county shall assume and be holden for an equitable proportion of the indebtedness of the counties from which the territory is acquired.

Resolved II, That this Convention shall not undertake the formation of any new counties, but will fix the area of counties in the State.

Mr. W. C. SMITH introduced the following resolution which was read the first time and referred to the Committee on Education:

A Resolution to Prevent Special Privileges by Educational Institutions.

Be it Ordained by the Convention, That no educational institution receiving any public funds shall grant any scholarship or special privilege to any student of such institution.

Mr. BUIST introduced the following resolution, which was read the first time and referred to the Committee on Education:

Resolution to Amend Article Ten, Providing for the Maintenance of the Winthrop Normal and Industrial College.

Resolved, by the people of South Carolina, in Convention assembled, That the General Assembly shall provide for the maintenance of the Winthrop Normal and Industrial College, and shall appropriate or invest all moneys or other property given, or may hereafter be given, in aid of said college.

Mr EFIRD introduced the following resolution, which was read the first time and referred to the Committee on Municipal Corporation and Police Regulation:

Resolution Providing for the Control of the Manufacture and Sale of Intoxicating Liquors and Beverages Under the Exercise of the Police Power.

That in the exercise of the police power the General Assembly shall have the right to prohibit the manufacture and sale and retail of intoxicating liquors or beverages within the State; the General Assembly may license persons or corporations to manufacture and sell and retail intoxicating liquors or beverages within the State under such rules and restrictions as it deems proper; or the General Assembly may prohibit the manufacture and sale and retail of intoxicating liquors and beverages within the State, and may authorize and empower State and County officers, both, or either, under the authority and in the name of the State, to buy and retail within the State liquors and beverages in such packages and quantities, under such rules and regulations, as it deems expedient.

Mr. B. R. TILLMAN introduced the following resolution, which was read the first time and referred to the Committee on Counties and County Government:

RESOLUTION FOR THE FORMATION OF NEW COUNTIES.

Resolved, That the Legislature may from time to time establish new counties in the following manner:

First. Whenever a majority of the qualified voters within the area of a proposed new county shall petition the Governor for the creation of a new county the Governor shall order an election within thirty days after the petition shall have been received by the qualified voters within the proposed area, in which election they shall vote "yes or no" upon the question of creating said new county.

Second. If two-thirds of the qualified voters within the area of the proposed new county shall vote "yes" upon such question, then the Legislature shall establish such new county.

Third. That the new county shall not contain less than the one hundred and twenty-fourth part of the whole number of the inhabitants of the State.

Fourth. That no proposed new county shall contain less than ——— hundred square miles, and shall contain property of the assessed value of one million dollars.

Fifth. No old county shall be reduced below the constitutional area fixed by this Convention.

Sixth. All new counties hereafter formed shall bear a just apportionment of the valid indebtedness of the old county or counties from which they have been formed.

Seventh. No new county shall be formed by this Convention.

Mr. GEORGE D. TILLMAN introduced the following resolution, which was read the first time and referred to the Committee on Counties and County Government:

RESOLUTION PROPOSING AMENDMENTS TO SECTION 3, ARTICLE 2, OF THE CONSTITUTION, RELATING TO THE ERECTION OF NEW COUNTIES, AND THE REMOVAL OF COUNTY SEATS AND CONSOLIDATION OF COUNTIES.

1. New counties may be formed, but in doing it no existing county seat shall be abolished, nor shall any new county line be run nearer than five miles to an established Court House.

2. No county seat shall be removed unless such removal be authorized by two-thirds ($\frac{2}{3}$) of the electors of the county voting therefor; but when the proposed removal shall be towards the center of the county it may be made when a majority of the electors participating in the election shall vote therefor.

3. No new counties shall be formed unless a majority of the qualified electors voting in each part of the county, or counties, proposed to be dismembered and embraced in the new county shall separately vote therefor. The elections provided for in this and the section next preceding shall not be held in any county oftener than once in four years.

4. The Legislature may provide for the consolidation of existing counties if a majority of the qualified electors of such counties, voting at an election held for that purpose, shall vote therefor.

Mr. J. P. GLENN introduced the following resolution, which was read the first time and referred to Committee on Charitable and Penal Institutions :

A Resolution to Require Every County in This State to Provide for the Really Destitute Within Its Bounds.

Resolved, That the General Assembly of South Carolina shall by law require the respective Counties of the State to provide for all those inhabitants who, by reason of age and infirmities and misfortunes, may have a claim upon the sympathy and aid of society.

Mr. McCOWN introduced the following resolution, which was read the first time and referred to the Committee on Municipal Corporations and Police Regulations :

Resolution Relative to the Liquor Traffic.

Be it resolved by the people, in Convention assembled, &c. That the General Assembly shall pass no law granting license for the sale of alcoholic liquids or liquors, but may pass laws regulating the traffic by State control.

Mr. HIERS introduced the following resolution, which was read the first time and referred to the Committee on Counties and County Government :

Formation of New Counties, Article 2, Section 3, of Present Constitution.

Resolved, That a majority of the taxpayers of any section desiring to form themselves into a new County shall be allowed to do so, provided they will meet the expenses necessary thereto, and not reduce the area of the Counties from which their territory is taken below four hundred square miles. The wishes of a majority of the taxpayers to be ascertained from the petitions presented to the Legislature.

Mr. J. S. BRICE introduced the following resolution, which was read the first time and referred to the Committee on Legislative Department :

Resolution in Regard to Biennial Sessions of the General Assembly.

Be it resolved and ordained by the people of the State of South Carolina, in Convention assembled, and by the authority of the same, that the following provisions shall constitute Section—of Article— of the Constitution of the State :

The first session of the General Assembly under this Constitution shall be convened at the Capitol in the city of Columbia on the first Tuesday after the first Monday in January, Anno Domini one thousand eight hundred and ninety-six, and forever thereafter the General Assembly shall meet biennially on the same day at the State Capitol; and no General Assembly during any year shall remain in session over sixty days.

Mr. HODGES introduced the following resolution, which was read the first time and referred to Committee on Judicial Department:

RESOLUTION AS TO JUDGMENTS.

Resolved, SECTION Judgments now of record shall not have any lien upon property of the judgment debtor which is not now subject to levy and sale under such judgment.

SEC. Judgments hereafter obtained shall not have any lien upon any property of the judgment debtor not then—at the time obtained—subject to levy and sale under such judgment.

Mr. ROGERS introduced the following resolution, which was read the first time and referred to Committee on Finance and Taxation:

A RESOLUTION TO PROVIDE AND FIX SALARIES FOR ALL CONSTITUTIONAL OFFICES.

Be it resolved and ordained by the people of South Carolina, in Convention assembled, and by the authority of the same:

1st. That a stated salary be fixed and attached to each and every office created or to be created and provided for by the Constitution adopted by this Convention.

2nd. That each committee of this Convention shall recommend a suitable salary for each office recommended by them to be created.

Mr. HOWELL introduced the following resolution, which was read the first time and referred to Committee on Legislative Department:

RESOLUTION PROVIDING FOR HOMESTEAD, AMENDING ARTICLE 2, SECTION 32, OF PRESENT CONSTITUTION.

Be it resolved and ordained by the people of the State of South Carolina, in Convention assembled, and by authority of the same, That the following shall constitute Section — of Article — of the Constitution of this State:

There shall be exempt from attachment and sale under any mesne or final process issued from any Court to the head of any family residing in this State a homestead in lands, whether held in fee or lesser estate, not to exceed in value one thousand dollars, with the yearly products thereof, and every head of a family residing in this State, whether entitled to a homestead exemption in lands or not, personal property not to exceed in value the sum of five hundred dollars: *Provided*, That in case any woman having a separate estate shall be married to the head of a family who has not of his own sufficient property to constitute a homestead, as herein-

before provided, said married woman shall be entitled to a like exemption as provided for the head of a family: *Provided, further,* That there shall not be an allowance of more than one thousand dollars worth of real estate, and more than five hundred dollars worth of personal property to the husband and wife jointly: *Provided,* That no property shall be exempt from attachment, levy or sale for taxes, or for payment of obligations contracted for the purchase of said homestead or the erection of improvements thereon: *Provided, further,* That the yearly products of said homestead shall not be exempt from attachment, levy or sale for the payment of obligations contracted in the production of the same: *And provided, further,* That the exemptions herein shall apply to all debts, judgments and decrees contracted or obtained since the year 1868. It shall be the duty of the General Assembly at their first session to enforce the provisions of this section by suitable legislation.

Mr. WILIE JONES introduced the following resolution, which was read the first time and referred to the Committee on Militia:

RESOLUTION IN REGARD TO THE MILITIA.

SECTION 1. The militia of this State shall consist of all able-bodied male citizens of the State between the ages of eighteen and forty-five years except such persons as are now, or may hereafter be, exempted by the laws of the United States, or who may be adverse to bearing arms, as provided for in this Constitution; and shall be organized, armed, equipped and disciplined as the General Assembly may by law provide.

SECTION 2. The Governor shall have power to call out the militia to execute the laws, repel invasion, repress insurrection, and preserve the public peace.

SECTION 3. There shall be an Adjutant and Inspector General elected by the qualified electors of the State, at the same time and in the same manner as other State officers, who shall rank as a Brigadier-General, and whose duties and compensation shall be prescribed by law. The Governor shall appoint, by and with the advice and consent of the Senate, such other staff officers as the General Assembly may direct.

SECTION 4. All active members of the militia who are enlisted may be exempt from serving on juries and performing road duty and street duty.

Mr. RUSSELL (by request) introduced the following resolution, which was read the first time and referred to Committee on Counties and County Government:

AN ORDINANCE TO ESTABLISH A NEW JUDICIAL AND ELECTION COUNTY FROM PORTIONS OF THE TERRITORY OF ABBEVILLE, GREENVILLE, LAURENS AND ANDERSON COUNTIES, TO BE CALLED WASHINGTON COUNTY, WITH BOUNDARIES AS HEREINAFTER DESCRIBED.

We, the people of the State of South Carolina, by our delegates in convention met, do ordain:

1st. That a new judicial and election county, which shall be known as Washington County, shall be formed, and is hereby authorized to be formed, with the following boundaries, to-wit:

Beginning at Holland's Ford on Saluda River; thence across Greenville County to Fork Shoals Factory on Reedy River; thence down to a corner of Greenville and Laurens Counties; thence down the line of Greenville and Laurens Counties to Reedy River; thence down Reedy River to a point one mile above the mouth of Rabun Creek; thence in a straight line to Smith's Ferry on Saluda River; thence in a straight line to Gil Gal Methodist Church in Abbeville County; thence in a straight line to Rocky River Baptist Church on the Abbeville and Anderson line; thence in a straight line to a point one mile and a half northwest of the town of Belton; thence in a straight line to the beginning point at Holland's Ford.

2d. That M. B. Clinkscales, C. E. Harper, John W. McCullough and J. C. Millford be, and are hereby, appointed Commissioners to have the boundaries of the said new County of Washington, as above indicated, surveyed and properly marked, as well as to designate and establish the County seat, and to provide suitable buildings for the several Court and County officers, and to select and purchase or procure site for the usual public buildings, and to contract for and superintend the erection of the court house and jail thereon, and said public buildings shall be built at the expense of the citizens of the town of Honea Path.

3d. That an election shall be held in the said County of Washington on the first Tuesday following the first Monday in November, A. D. 1896, or on such other day as may be provided by law hereafter, for members of the General Assembly and for the regular County officers provided for by the Constitution and laws of the State.

4th. That until the next apportionment of Representatives the said County of Washington shall be entitled to ——— Representatives.

5th. That the voting precincts heretofore established by law in the portions of Abbeville, Anderson, Greenville and Laurens Counties embraced in the limits of Washington County shall be the precincts of Washington County.

6th. That the County of Washington be, and is hereby, attached to the ——— Congressional District and shall form part and parcel of ——— Judicial District, and the regular terms of the Courts of General Sessions shall be held on ——— and the Court of Common Pleas on ———, and that the Trial Justices located in the portions of Abbeville, Anderson, Greenville and Laurens Counties embraced in the limits of Washington County shall be continued in office until their successors shall have been appointed and qualified; provided, however, that from and after the time this ordinance goes into effect they shall be confined and limited in their official capacity, duty and power to the said limits of Washington County.

7th. That from and after ——— date, all suits pending in the Courts of

Abbeville, Anderson, Greenville and Laurens Counties of which the defendants reside in the portions of said County now established as the County of Washington, and all indictments pending in the said Counties of Abbeville, Anderson, Greenville and Laurens where the offense was committed in that part of said Counties now established as the County of Washington, shall be transferred to the calendars of the Court of the said County of Washington, and all records, commissions and other papers belonging to any of the said suits or indictments, together with all the legal incidents thereto appertaining, shall be transferred to the Clerk of the Court of the said County of Washington.

8th. That the Governor be, and is hereby, authorized and empowered to appoint a commission of five persons, one of whom shall be a resident of the old County of Abbeville, one a resident of the old County of Anderson, one a resident of the old County of Greenville, one a resident of the old County of Laurens and one a resident of the new County of Washington, which said commission shall divide and apportion between the five Counties respectively, herein provided for, the present lawful and bona fide indebtedness of the old Counties of Abbeville, Anderson, Greenville and Laurens, having regard to the amount of unpaid taxes due to the said Counties of Abbeville, Anderson, Greenville and Laurens.

Mr. MOORE introduced the following resolution, which was read the first time and referred to Committee on Finance and Taxation :

To Provide for Sale of Lands for Taxes and the Redemption of Such Lands.

Provision shall be made by the first Legislature for the speedy sale of a sufficient portion of all lands and other property for the taxes due thereon, and every year thereafter for the sale of all lands and other property upon which the taxes have not been paid, and the deed of conveyance to the purchaser for all lands and other property thus sold shall be held to vest a good and perfect title in the purchaser thereof, subject to be impeached only for actual fraud: *Provided*, That the former owner shall, within two years from date of purchaser's deed, have the right to redeem the land upon the payment of double the amount of money paid for the land.

Mr. J. S. BRICE introduced the following resolution, which was read the first time and referred to the Committee on Legislative Department:

Resolution in Regard to Quadrennial Elections.

Be it resolved and ordained by the people of the State of South Carolina, in convention assembled, and by the authority of the same, that the following provisions shall constitute Section — of Article — of the Constitution of the State:

The first election of all State and County officers, pursuant to the provisions of this Constitution, shall be held on the first Tuesday after the first Monday in November, anno domini one thousand eight hundred and

ninety-six, and forever thereafter on the same day in every fourth year, in such manner and at such places as the General Assembly may hereafter provide; and all State and County officials elected pursuant to the provisions of this Constitution shall hold their respective offices for four years and until their successors shall be chosen and qualified; and the Governor, Lieutenant Governor and other State officers shall be ineligible for the next four years after the termination of their offices.

Mr. OTTS introduced the following resolution, which was read the first time and referred to Committee on Judicial Department:

A Resolution Creating the Office of Probate Judge and Defining His Duties.

Be it ordained by the Convention:

Section —. A Court of Probate shall be established in each County, with jurisdiction in all testamentary and of administration, in business appertaining to minors, the allotment of dower, the setting of the homestead, partition, and in cases of idiocy and lunacy and persons *non compos mentis*.

Mr. DOYLE introduced the following resolution, which was read the first time and referred to Committee on Jurisprudence:

Resolution to Limit Expenses of Administering Estates.

Be it ordained by the people of South Carolina, in Convention assembled, that the Constitution now being formed shall contain provisions prohibiting costs and expenses of administering, partitioning, division and settlement of estates ever to exceed ten per cent. of the total value thereof.

Mr. G. D. TILLMAN introduced the following resolution, which was read the first time and referred to the Committee on Legislative Department:

Resolution Proposing an Amendment to Section 6, Article 3, of the Constitution, Relating to an Apportionment of Representtives to the General Assembly.

That where two or more Representatives shall be assigned to the same County, such County shall be subdivided into as many election districts of as nearly equal population as possible, and one Representative shall be assigned to each of said subdivisions, provided such subdivisions shall be made up of whole townships, and no Township shall be divided in forming said subdivisions.

Mr. ROGERS introduced the following resolution, which was read the first time and referred to the Committee on Legislative Department:

A Resolution to Abolish the Right of Dower in Lands Aliened by the Husband During Coverture.

Be ti resolved by the people of South Carolina, in convention assembled, and by the authority of the same, That the right of dower in any and all lands aliened by the husband during the coverture be, and the same is hereby, abolished.

Mr. TALBERT introduced the following ordinance, which was read the first time and referred to the Committee on Counties and County Government :

An Ordinance to Establish a New Judicial and Election County from a Portion of the Territory of the Counties of Abbeville and Edgefield, to be Called McCormick, with Boundaries as Hereinafter Designated.

We, the people of the State of South Carolina, by our delegates in Convention met, do ordain :

1. That a new Judicial and Election County, which shall be known as McCormick County, shall be formed, and is hereby authorized to be formed, with the following boundaries, to wit:

Beginning at Petersburg Ferry on the Savannah River, thence by a straight line to Bradley's Mill, thence by a straight line to where Puckett's Branch crosses public road north of Troy, thence by a straight line to Winter Seat Bridge on Hard Labor Creek, thence down the center of the Edgefield and Abbeville Public Road to Liberty Hill, thence by a straight line to a point in the middle of Turkey Creek three miles south of where public road from Liberty Hill to Edgefield C. H. crosses said creek, thence down the middle of Turkey Creek to a point in the center of Big Stevens Creek opposite the mouth of said Turkey Creek, thence down the middle of Big Stevens Creek to Savannah River, thence by the Savannah River to initial point, and the territory embraced within the said lines shall be known as the County of McCormick.

2. That W. R. Parks, R. J. Robinson, S. S. McBryde, J. B. Alston and A. A. Stuart be, and are hereby, appointed Commissioners to have the boundaries of said new County of McCormick, as above indicated, surveyed and properly marked, as well as to designate and establish the County-seat, and to provide suitable buildings for the several Court and County officers, and to select and purchase or procure sites for the usual public buildings, and to contract for and superintend the erection of the court house and jail thereon; and said public buildings shall be built at the expense of the citizens of the town of McCormick.

3. That an election shall be held in the County of McCormick on Tuesday following the first Monday in November, A. D. 1896, or on such other day as may be provided by law hereafter, for members of the General Assembly and for the regular County officers provided for by the Constitution and laws of the State.

4. That until the next apportionment of Representatives, the said County of McCormick shall be entitled to two Representatives.

5. That the voting precincts heretofore established by law in that portion of Edgefield and Abbeville Counties embraced in the limits of McCormick County shall be the precincts of McCormick County.

6. That the County of McCormick be, and is hereby, attached to the Second Congressional District, and shall form a part and parcel of the Fifth Judicial Circuit, and the regular terms of Court of General Sessions.....

.....

.....and the Court of Common Pleas, and that the Trial Justices located in that portion of Edgefield and Abbeville Counties embraced in the limits of McCormick County shall be continued in office until their successors shall have been appointed and qualified; *Provided, however*, That from and after the time of this Ordinance goes into effect, they shall be confined and limited in their official capacity, duty and power to such limits of McCormick County.

7. That from and after the first day of December, A. D. 1896, all suits pending in the Courts of Edgefield and Abbeville Counties of which the defendants reside in that portion of said Counties now established as the County of McCormick, and all indictments pending in said Counties of Edgefield and Abbeville where the offense was committed in those parts of said Counties now established as the County of McCormick, shall be transferred to the calendars of the Courts of the said County of McCormick; and all records and other commissions, papers, belonging to any of the said suits or indictments, together with all the legal incidents thereto appertaining, shall be transferred to the Clerk of the Court of said County of McCormick.

8. That the Governor be, and is hereby, authorized and empowered to appoint a Commission of five persons, two of whom shall be residents of the new County of Edgefield, one a resident of the new County of Abbeville, one a resident of the new County of McCormick, and one a resident of some other County of the State, which said Commission shall divide and apportion between the three Counties respectively herein provided for the present lawful and *bona fide* indebtedness of the old Counties of Edgefield and Abbeville, having regard to the amount of unpaid taxes due to the said Counties of Edgefield and Abbeville.

Mr. GEO. JOHNSTONE introduced the following ordinance, which was read the first time and referred to the Committee on Suffrage:

AN ORDINANCE RELATING TO THE RIGHT OF SUFFRAGE, BEING ARTICLE 8 OF THE PRESENT CONSTITUTION.

ARTICLE—

ELECTIVE FRANCHISE.

SECTION 1. All elections by the people shall be by ballot.

SECTION 2. Every male inhabitant of the State, except idiots, insane persons, and Indians not taxed, who is a citizen of the United States, 21 years old and upwards, who has resided in the State for two years and in the county in which he offers to vote one year, and in the ward or voting pre-

cinct six months, and who is duly registered as provided in this Article, and who has never been convicted of treason, murder, robbery, dueling, bribery, burglary, arson, obtaining money or goods under false pretenses, perjury, larceny, embezzlement, forgery, bigamy or any crime against the Elective Franchise or Registration Laws, and who shall be able to read and write, or shall be possessed in his own right of taxable property in such county of the value of....., shall be deemed qualified as an elector, and shall be entitled to register and vote at all elections by the people.

SECTION 3. It shall be the duty of the Governor to appoint in each county five of the qualified electors thereof as a board for the examination of electors, whose term of office shall be two years and none of whom shall be reappointed. The successors of the board shall likewise be appointed for a term of two years. Upon the expiration of said second term of office the rights, duties and powers of said Board of Examination of electors shall cease and determine. Any person who shall be excluded from the elective franchise by the educational and property qualifications provided in this Article shall have the right to petition the board for the examination of electors of his county to adjudge him a proper person to be admitted to the right of suffrage by reason of his intelligence, his character, his service to the public and his capacity to exercise the duties of an elector. If, upon the hearing of the petition, the applicant shall be adjudged a proper person to be admitted to the elective franchise the board for the examination of the electors shall issue to him a certificate of such qualification, which shall be irrevocable; and, in the event of the rejection of the petition of any applicant by the board appointed for the said first term, the applicant shall have the right to renew his application before the succeeding board for the examination of electors. Each board for the examination of electors shall make a record of the names of the citizens to whom certificates have been issued, and shall file the same in the office of the Clerk of the Circuit Court of their respective counties; and it shall be the duty of the Clerk of Court to issue a renewal certificate to any voter who shall make affidavit that he has lost or mislaid his certificate, and whom the record shows to be entitled to the same. Upon the presentation of the certificate herein provided for the citizen to whom it is issued shall be entitled to register and to vote the same as if qualified under the third section of this Article. The said board for the examination of electors shall meet as often as they may deem necessary or the Legislature may prescribe, but shall meet at least once in each month of the year during their term of office.

SECTION 4. The Legislature shall, at any time within four years after the adoption of this Constitution, have the right to confer upon any citizen by name the right of suffrage.

SECTION 5. The General Assembly shall provide by law for the registration of all electors or persons qualified to vote; and suitable remedies, by appeal or otherwise, shall be provided for the correction of improper registration and for securing a registration to any to whom it may be improperly denied; and no person shall be allowed to vote who shall not have registered as required by law, registration by the proper officers being hereby declared to be a condition prerequisite to the exercise of suffrage by any citizen.

SECTION 6. The General Assembly shall have full power to pass laws necessary for guarding against abuses of the elective franchise and for securing the purity of elections.

Mr. STANYARNE WILSON (by request) introduced the following ordinance, which was read the first time and referred to Committee on Counties and County Government:

AN ORDINANCE TO ESTABLISH A NEW JUDICIAL AND ELECTION COUNTY FROM A PORTION OF A TERRITORY OF SPARTANBURG, UNION, LAURENS AND GREENVILLE, TO BE CALLED ENOREE.

We, the people of the State of South Carolina, by our delegates in Convention met, do ordain.

1st. That a new judicial and election County, which shall be known as Enoree County, shall be formed, and is hereby authorized to be formed, with the following boundaries, to-wit:

Beginning at Pelham Factory in Spartanburg County, thence in a straight line to West Springs in Union County, thence in a straight line to Enoree River at the intersection of Scuffletown and Jack's township in Laurens, thence up Enoree River to mouth of Buckhead Creek, thence in a line to Pleasant Mount in Laurens, thence in a straight line to a point on the Laurens and Greenville line one mile above Fountain Inn, thence in a straight line to beginning point at Pelham's Factory.

2nd. That Walter Gray, J. B. Kilgore, W. W. Simpson and L. F Pearson be, and are hereby, appointed Commissioners to have the boundaries of the said new County of Enoree as above indicated surveyed and properly marked, as well as to designate and establish the County seat, and to provide suitable buildings for the several court and county officers, and to select and purchase or procure site for the usual public buildings, and to contract for and superintend the erection of the court house and jail thereon, and said public buildings shall be built at the expense of the citizens of the town of Woodruff.

3rd. That an election shall be held in the said County of Enoree on the first Tuesday following the first Monday in November, A. D. 1896, or on such other day as may be provided by law hereafter for members of the General Assembly and for the regular county officers provided for by the Constitution and laws of the State.

4th. That until the next apportionment of representatives the said County of Enoree shall be entitled to representatives.

5th. That the voting precincts heretofore established by law in the portions of Spartanburg, Union, Laurens and Greenville Counties embraced in the limits of Enoree County shall be the precincts of Enoree County.

6th. That the County of Enoree be, and is hereby, attached to the Congressional District, and shall form part and parcel of Judicial District, and the regular terms of the Courts of General Sessions shall be held on and the Court of Common Pleas on ; and that the Trial Justices located in the portions of Spartanburg, Union, Laurens and Greenville Counties embraced in the limits of Enoree County shall be continued in office until their successors shall have been appointed

and qualified; provided, however, that from and after the time this ordinance goes into effect they shall be confined and limited in their official capacity, duty and power to the said limits of Enoree County.

7th. That from and after date all suits pending in the Courts of Spartanburg, Union, Laurens and Greenville Counties of which the defendants reside in the portions of said County now established as the County of Enoree, and all indictments pending in the said Counties of Spartanburg, Union, Laurens and Greenville where the offense was committed in that part of said Counties now established as the County of Enoree, shall be transferred to the calendars of the court of the County of Enoree, and all records, commissions and other papers belonging to any of the said suits or indictments, together with all the legal incidents thereto appertaining, shall be transferred to the Clerk of the Court of the said County of Enoree.

8th. That the Governor be, and is hereby, authorized and empowered to appoint a commission of five persons, one of whom shall be a resident of the old County of Spartanburg, one resident of the old County of Union, one a resident of the old County of Laurens, one a resident of the old County of Greenville, and one a resident of the new County of Enoree, which said commission shall divide and apportion between the five counties respectively, herein provided for, the present lawful and bona fide indebtedness of the old Counties of Spartanburg, Union, Laurens and Greenville, having regard to the amount of unpaid taxes due to the said Counties of Spartanburg, Union, Laurens and Greenville.

Mr. RAGSDALE introduced on September 12 the following resolution, which was read the first time September 12 and referred to the Committee on Executive Department:

RESOLUTION RELATING TO THE VETO POWER OF THE GOVERNOR AS TO BILLS APPROPRIATING MONEY FROM THE TREASURY.

Be it resolved and ordained by the people of the State of South Carolina, in convention assembled, and by the authority of the same, That the following shall constitute a part of Section , Article , of the Constitution of this State:

Bills appropriating money out of the Treasury shall specify the objects and purposes for which the same are made and appropriate to them respectively their several amounts in distinct items and sections. And if the Governor shall not approve any one or more of the items or sections contained in any bill, but shall approve of the residue thereof, it shall become a law as to the residue in like manner as if he had signed it. The Governor shall then return the bill with his objections to the items or sections of the same not approved by him to the house in which the bill shall have originated, which house shall enter the objections at large upon its journal, and proceed to reconsider so much of said bill as is not approved by the Governor. The same proceedings shall be had in both houses in reconsidering the same as is provided in case of an entire bill returned by the Governor with his objections; and if any item or section of said bill not approved by the Governor shall be passed by two-thirds of the members elected to each of the two houses of the General Assembly it shall become a part of said law notwithstanding the objections of the Governor.

Mr. PRINCE introduced the following resolution on September 12th, which was read the first time September 12th and referred to the Committee on Legislative Department:

A Resolution Relating to Homestead and Exemptions.

Be it resolved and ordained by the people of the State of South Carolina, in convention assembled, and by the authority of the same, That the following shall constitute Article ——, of the Constitution of this State:

Section 1. There shall be exempt from attachment and sale under any mesne and final process issued from any court to the head of a family residing in this State, except as hereinafter excepted, property, real or personal, or both, of value in the aggregate of one thousand dollars: *Provided*, That in case any woman having a separate estate of her own shall be married to the head of a family who has not of his own sufficient property to constitute a homestead as hereinbefore provided, said married woman shall be entitled to such exemption of her property as may be sufficient to make out her husband's homestead, but in no event shall there be an exemption to the husband and wife jointly of property to the value of more than one thousand dollars: *Provided, further*, That no property shall be exempt from attachment, levy or sale for taxes, for the purchase money of the same, for obligations contracted, for labor done thereon, for materials furnished therefor or for the removal of encumbrances thereon: *Provided*, That the yearly farm products of said homestead shall not be exempt from attachment, levy or sale for the payment of debts contracted in the production of the same.

Sec. 2. The debtor shall have the power, at any time before his homestead is set off in favor of any specified creditor, to waive or renounce in writing his right to the benefit of the exemption provided for in this Article, except as to wearing apparel and two hundred dollars worth of household and kitchen furniture, and fifty dollars worth of provisions, to be selected by himself and appraised as the Legislature may direct, and he shall not at any time after the homestead is set apart alienate or encumber the property so exempted, but it shall thereafter be held by him in trust for his wife and minor children: *Provided*, He and his wife if any, may alienate the same jointly, with the sanction of the Judge of the ———— court of the county where the debtor resides or the land is situated, the proceeds of sale to be reinvested upon the same uses.

Sec. 3. After the death of the wife and the majority of his children, any homestead set apart to the debtor under the provisions of this Article shall be sold and the proceeds applied to the oldest judgments against him.

Sec. 4. The provisions hereof shall be applicable only to debts created after the adoption of this Constitution, and as to debts heretofore contracted the law of force at the date of their contraction shall obtain, but nothing herein contained shall be so construed as to allow the head of a family the benefit of two homestead exemptions.

Mr. BUIST introduced the following resolution on September 12th, which was read the first time September 12th and referred to the Committee on Charitable and Penal Institutions :

RESOLUTION TO AMEND ARTICLE ELEVEN, SECTION ONE.

Resolved by the people of South Carolina, in Convention assembled, That it shall be the duty of the General Assembly to provide by law for the support of institutions for the education of the deaf, dumb and blind.

Mr. McWHITE introduced the following resolution on September 12th, which was read the first time September 12th and referred to Committee on Contingent Appropriations and Expenses :

RESOLUTION DIRECTING THE LEGISLATURE TO MAKE PROVISION FOR THE PAY OF MANAGERS AND CLERKS OF THE LATE ELECTION OF DELEGATES.

Resolved, That the Legislature, at its first session after the adoption of the new Constitution, make provision for the pay of the managers and clerks of the election to elect delegates to this Convention.

Mr. GAGE introduced the following resolution on September 12th, which was read September 12th and referred to Committee on Legislative Department :

TO PROHIBIT SPECIAL LEGISLATION.

Be it ordained, etc., That the General Assembly of this State shall not enact, on the same subject, different laws for different municipal divisions, where a general law can be made applicable.

REPORTS OF STANDING COMMITTEES.

Mr. STANYARNE WILSON, for the Committee on Judicial Department submitted the following report, which was received as information:

REPORT OF COMMITTEE ON JUDICIAL DEPARTMENT ON DRAFT OF CONSTITUTION PROPOSED BY MR. ALDRICH.

The Committee on Judiciary Department, to whom it was referred a draft of a Constitution proposed by Mr. Aldrich with instructions for this committee to assign the various Articles thereof to their respective appropriate committees, beg leave to report that they have considered the same, and in accordance with said instructions have assigned the following committees, to wit:

Articles 1, 12 and 14 to the Committee on Legislative Department.
Article 2 to the Committee on Executive Department.
Article 3 to this Committee.
Article 4 to the Committee on Right of Suffrage.
Article 5 to the Committee on Miscellaneous Matters.
Article 6 to the Committee on Impeachment.
Articles 7 and 8 to the Committee on Jurisprudence.
Article 9 to the Committee on Declaration of Rights.

Articles 10 and 13 to the Committee on Finance and Taxation.
Article 11 to the Committee on Amendments.
The ordinance portion thereof to this Committee.
And have delivered to said several Committees respectively the portions so assigned to them.

Respectfully submitted,
September 12, 1895.

STANYARNE WILSON,
Chairman.

Mr. STANYARNE WILSON moved to lay on the table a draft of the Constitution submitted by Mr. Aldrich, which was agreed to.

Mr. STANYARNE WILSON moved that the draft of the Constitution submitted by Mr. Aldrich be printed in the Journal, which was agreed to.

CONSTITUTION OF SOUTH CAROLINA.

We, the people of the State of South Carolina, by our delegates in Convention met, do ordain and establish this Constitution for the government of the said State :

ARTICLE I.

SECTION 1. The legislative authority of this State shall be vested in a General Assembly, which shall consist of a Senate and a House of Representatives.

SECTION 2. The House of Representatives shall be composed of members chosen by ballot, every fourth year, by the citizens of this State, qualified as in this Constitution is provided.

SECTION 3. Each county in the State shall constitute one election district.

SECTION 4. The boundaries of the several counties and election districts shall remain as they are now established, unless hereafter changed by Act of the Legislature, which shall have power to form new counties out of parts of existing counties : *Provided,* No new county shall be formed of less than and no existing county shall be reduced below four hundred square miles.

SECTION 5. The House of Representatives shall consist of one hundred and twenty-four members, to be apportioned among the several election districts of the State, according to the number of inhabitants contained in each. An enumeration of the inhabitants for the purpose of representation shall be made in the course of every tenth year, counting from the year 1890, in such manner as shall be by law directed ; and Representatives shall be assigned to the different counties in proportion to population, by Act of the General Assembly at the session immediately succeeding every enumeration : *Provided,*

That until the apportionment which shall be made upon the next enumeration shall take effect the representation of the several counties shall continue as now fixed by law: *Provided, further,* That the General Assembly may, if it sees proper, dispense with the enumeration herein provided for, and apportion representation upon the basis of the United States Census as the same shall be taken every tenth year.

SECTION 6. In assigning Representatives to the several counties, the General Assembly shall allow one Representative for every one hundred and twenty-fourth part of the whole number of inhabitants in the State.

SECTION 7. All taxes upon property, real or personal, shall be laid upon the actual value of the property taxed, as the same shall be ascertained by an assessment made for the purpose of laying such tax; and the Legislature shall have power to raise revenues other ways than by taxes upon property.

SECTION 8. If, in the apportionment of Representatives, any election district shall appear not to be entitled from its population to a Representative, such election district shall nevertheless send one Representative; and if there be still a deficiency of the number of Representatives required by section fifth, such deficiency shall be supplied by assigning Representatives to those election districts having the largest surplus fractions of population, until the number of one hundred and twenty-four members are made up.

SECTION 9. No apportionment of Representatives shall be construed to take effect, in any manner, until the general election which shall succeed such apportionment.

SECTION 10. The Senate shall be composed of one member from each election district, except the election district of Charleston, which shall be allowed two Senators.

SECTION 11. Upon the meeting of the first General Assembly which shall be chosen under the provisions of this Constitution, the Senators shall be divided into two classes; the seats of the Senators of the one class to be vacated at the expiration of four years after the Monday following the general election, and of those of the other class at the expiration of eight years; and the numbers of those classes shall be so proportioned that one-half of the whole number of Senators may, as nearly as possible, continue to be chosen thereafter every fourth year.

SECTION 12. No person shall be eligible to, or take or retain a seat in, the House of Representatives, unless he is a white man, who hath attained the age of twenty-one years, hath been a citizen and a resident of this State three years next preceding the day of election, and

hath been for the last six months of this time, and shall continue to be, a resident of the county which he is to represent.

SECTION 13. No person shall be eligible to or take or retain a seat in the Senate, unless he is a white man, who hath attained the age of twenty-five years, hath been a citizen and resident of this State five years next preceding the day of election, and hath been for the last six months of this time, and shall continue to be, a resident of the county which he is to represent.

SECTION 14. Senators and members of the House of Representatives shall be chosen at a general election on the first Tuesday in November in the year Anno Domini 1896, and on the same day in every fourth year thereafter, in such manner and for such terms of office as are herein directed. They shall meet on the second Tuesday in January bi-annually, at Columbia, (which shall remain the seat of government until otherwise determined by the concurrence of two-thirds of both branches of the whole representation), unless the casualties of war or contagious disorders shall render it unsafe to meet there; in either of which cases the Governor, or Commander-in-Chief, for the time being, may, by proclamation, appoint a more secure and convenient place of meeting.

SECTION 15. The terms of office of the Senators and Representatives chosen at a general election shall begin on the Monday following such election.

SECTION 16. Each House shall judge of the elections, returns and qualifications of its own members; and a majority of each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as may be provided by law.

SECTION 17. Each House shall choose its own officers, determine its rules of proceeding, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member, but not a second time for the same cause.

SECTION 18. Each House may punish, by imprisonment, during its sitting, any person not a member who shall be guilty of disrespect to the House by any disorderly or contemptuous behavior in its presence; or who, during the time of its sitting, shall threaten harm to body or estate of any member for anything said or done in either House, or who shall assault any of them thereafter, or who shall assault or arrest any witness or other person ordered to attend the House in his going thereto or returning therefrom, or who shall rescue any person arrested by order of the House.

SECTION 19. The members of both Houses shall be protected in their persons and estates during their attendance on, going to, and returning from the General Assembly, and ten days previous to the sitting and ten days after the adjournment thereof. But these privileges shall not be extended so as to protect any member who shall be charged with treason, felony or breach of the peace.

SECTION 20. Bills for raising a revenue shall originate in the House of Representatives, but may be altered, amended, or rejected by the Senate; and all other bills may originate in either House, and may be amended, altered, or rejected by the other.

SECTION 21. Every act or resolution having the force of law shall relate to but one subject, and that shall be expressed in the title.

SECTION 22. No bill shall have the force of law until it shall have been read three times, and on three several days, in each House, has had the seal of the State affixed to it, and has been signed in the Senate-House by the President of the Senate and the Speaker of the House of Representatives, and approved by the Governor, as hereinafter provided.

SECTION 23. No money shall be drawn out of the public treasury but by the legislative authority of the State.

SECTION 24. In all elections by the General Assembly, or either House thereof, the members shall vote *viva voce,* and their votes thus given shall be entered upon the journals of the House to which they respectively belong.

SECTION 25. The members of the General Assembly who shall meet under this Constitution shall be entitled to receive out of the public treasury for their expenses during their attendance on, going to, and returning from the General Assembly five dollars for each day's attendance, and twenty cents for every mile of the ordinary route of travel between the residence of the member and the capital or other place of sitting of the General Assembly, both going and returning, and the same may be increased or diminished by law if circumstances shall require; but no alteration shall be made to take effect during the existence of the General Assembly which shall make such alteration.

SECTION 26. Neither House during the session of the General Assembly shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the Assembly shall be at the time sitting.

SECTION 27. No person shall be eligible to a seat in the General Assembly whilst he holds any office of profit or trust under this State, the United States of America, or any of them, or under any other

power, except officers in the militia, army or navy of this State, magistrates, or justices of inferior courts, while such justices receive no salaries; nor shall any contractor of the army or navy of this State, the United States of America, or any of them, or the agents of such contractor, be eligible to a seat in either House. And if any member shall accept or exercise any of the said disqualifying offices, he shall vacate his seat.

SECTION 28. If any election district shall neglect to choose a member or members on the day of election, or if any person chosen a member of either House shall refuse to qualify and take his seat, or shall resign, die, depart the State, accept any disqualifying office, or become otherwise disqualified to hold his seat, a writ of election shall be issued by the President of the Senate or Speaker of the House of Representatives, as the case may be, for the purpose of filling the vacancy thereby occasioned for the remainder of the term for which the person so refusing to qualify, resigning, dying, departing the State, or becoming disqualified was elected to serve, or the defaulting election district ought to have chosen a member or members.

SECTION 29. The General Assembly as now constituted shall continue in office until the Monday following the first general election provided for in this Constitution, and the Senators whose terms of office expire in the year one thousand eight hundred and ninety-eight shall hold over until the day following the next general election thereafter, and in the division of the Senate into two classes shall constitute the first class.

ARTICLE II.

SECTION 1. The executive authority of this State shall be vested in a chief magistrate, who shall be styled the Governor of the State of South Carolina.

SECTION 2. The Governor shall be elected at the same time and by the electors duly qualified to vote for members of the House of Representatives, and shall hold his office for four years, and until his successor shall be chosen and qualified.

SECTION 3. No person shall be eligible to the office of Governor unless he shall have attained the age of thirty years, and hath been a citizen and resident of this State for the ten years next preceding the day of election. And no person shall hold the office of Governor and any other office or commission, civil or military (except in the militia), under this State or the United States, or any of them, or any other power, at one and the same time.

SECTION 4. The returns of every election of Governor shall be sealed up by the Commissioners of Elections in their respective counties, and transmitted by a messenger chosen by them to the seat of government, directed to the Secretary of State, who shall deliver them to the Speaker of the House of Representatives, at the next ensuing session of the General Assembly, during the first week of which session the Speaker shall open and publish them in the presence of both houses of the General Assembly. The person having the highest number of votes shall be Governor, but if two or more shall be equal and highest in votes the General Assembly shall, during the same session, in the House of Repreesntatives, choose one of them Governor *viva voce*. Contested elections for Governor shall be determined by the General Assembly in such manner as shall be prescribed by law.

SECTION 5. A Lieutenant-Governor shall be chosen at the same time in the same manner, continue in office for the same period, and be possessed of the same qualifications as the Governor, and shall, ex-officio, be the President of the Senate.

SECTION 6. The Lieutenant Governor, acting as the President of the Senate, shall have no vote, unless the Senate be equally divided.

SECTION 7. The Senate shall choose a President *pro tempore* to act in the absence of the Lieutenant Governor, or when he shall exercise the office of Governor.

SECTION 8. A member of the Senate or of the House of Representatives, being chosen and acting as Governor or Lieutenant Governor, shall thereupon vacate his seat and another person shall be elected in his stead.

SECTION 9. In case of the impeachment of the Governor, or his removal from office, death, resignation, disqualification, disability, or removal from the State, the Lieutenant Governor shall succeed to his office; and in case of the impeachment of the Lieutenant Governor, or his removal from office, death, resignation, disqualification, disability, or removal from the State, the President *pro tempore* of the Senate shall succeed to his office; and when the offices of the Governor, Lieutenant Governor, and President *pro tempore* of the Senate shall become vacant in the recess of the Senate, the Secretary of State for the time being shall, by proclamation, convene the Senate, that a President *pro tempore* may be chosen to exercise the office of Governor for the unexpired term.

SECTION 10. The Governor shall be Commander-in-Chief of the Army and Navy of this State, and of the militia, except when they shall be called into the actual service of the United States.

SECTION 11. The Governor, together with the Secretary of State, Comptroller General, Adjutant and Inspector General, and State

Treasurer, shall constitute a Board of Public Pardons, and they, under such regulations as may be provided by law, shall have power to grant reprieves and pardons after conviction, (except in cases of impeachment), in such manner, on such terms, and under such restrictions as they shall think proper, and they shall have power to remit fines and forfeitures unless otherwise directed by law. It shall be their duty to report to the General Assembly at the next regular session thereafter all pardons granted by them, with a full statement of each case and the reasons moving them thereunto.

SECTION 12. He shall take care that the laws be faithfully executed in mercy.

SECTION 13. The Governor and Lieutenant-Governor shall at stated times receive for their services a compensation which shall be neither increased nor diminished during the period for which they shall have been elected.

SECTION 14. All officers in the Executive Department, when required by the Governor, shall give him information in writing upon any subject relating to the duties of their respective offices.

SECTION 15. The Governor shall, from time to time, give to the General Assembly information of the condition of the State, and recommend to their consideration such measures as he shall judge necessary or expedient.

SECTION 16. He may, on extraordinary occasions, convene the General Assembly, and should either House remain without a quorum for three days, or in case of disagreement between the two Houses with respect to the time of adjournment, may adjourn them to such time as he shall think proper, not beyond the second Tuesday in January then ensuing.

SECTION 17. He shall commission all officers of the State.

SECTION 18. It shall be the duty of managers of elections of this State, at the first general election under this Constitution and at each general election thereafter, to hold an election for Governor and Lieutenant-Governor.

SECTION 19. The Governor and Lieutenant-Governor, before entering upon the duties of their respective offices, shall, in the presence of the General Assembly, take the oath of office prescribed in this Constitution.

SECTION 20. The Governor shall reside during the sitting of the General Assembly at the place where its session may be held ; and the General Assembly may, by law, require him to reside at the capital of the State.

SECTION 21. Every bill or joint resolution which shall have passed

the General Assembly, except on a question of adjournment, shall, before it becomes a law, be presented to the Governor; if he approve he shall sign it; but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such a reconsideration a majority of the whole representation of that House shall agree to pass the Bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by a majority of the whole representation of that House, it shall become a law; but in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the Governor within two days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the General Assembly by their adjournment prevent its return, in which case it shall not have such force and effect until after the expiration of two days from their next meeting and the same being unreturned.

SECTION 22. There shall be elected by the qualified voters of the State at every general election a Secretary of State, a Comptroller General, a Treasurer, an Attorney General, an Adjutant and Inspector General, and a Superintendent of Education, who shall hold their respective offices for the term of four years, and whose duties and compensation shall be prescribed by law.

ARTICLE III.

SECTION 1. The judicial power of this State shall be vested in a Supreme Court, in two Circuit Courts, to wit: A Court of Common Pleas, having civil jurisdiction, and a Court of General Sessions, with criminal jurisdiction only, and in Probate Courts. The General Assembly may also establish such municipal and other inferior Courts as may be deemed necessary.

SECTION 2. The Supreme Court shall consist of a Chief Justice and three Associate Justices, any three of whom shall constitute a quorum. They shall be elected by the electors qualified to vote for members of the House of Representatives, and shall hold their offices during good behavior. And the General Assembly shall have power to increase the number of Justices of the Supreme Court from time to time as the public interest may require.

SECTION 3. The Supreme Court shall have appellate jurisdiction in all cases of law and equity under such regulations as the General Assembly may by law prescribe: *Provided,* The said Court shall

always have power to issue writs of injunction, mandamus, quo warranto, habeas corpus, and such other original and remedial writs as may be necessary to give it a general supervisory control over all other Courts in the State.

SECTION 4. The Supreme Court shall be held at least once in each year, at the seat of government, and at such other place or places in the State as the General Assembly may direct.

SECTION 5. No Judge shall preside on the trial of any cause in the event of which he may be interested, or where either of the parties shall be connected with him by affinity or consanguinity, within such degrees as may be prescribed by law, or in which he may have been counsel, or have presided in any inferior Court, except by consent of all the parties. In case all or any of the Judges of the Supreme Court shall be thus disqualified from presiding in any cause or causes, the Court, or the Judges thereof, shall certify the same to the Governor of the State, and he shall immediately commission specially the requisite number of men learned in the law for the trial and determination thereof. The same course shall be pursued in the Circuit and inferior Courts as is prescribed in this section for cases of the Supreme Court.

SECTION 6. There shall be appointed by the Judges of the Supreme Court a Reporter and Clerk of said Court, who shall hold their offices for two years, and whose duties and compensation shall be prescribed by law.

SECTION 7. When a judgment or decree is reversed or affirmed by the Supreme Court, every point made and distinctly stated in writing in the cause and clearly arising upon the record of the case shall be considered and decided; and the reasons therefor shall be concisely and briefly stated in writing and preserved with the records of the case.

SECTION 8. The Judges of the Supreme Court and Circuit Courts shall, at stated times, receive a compensation for their services, to be fixed by law, which shall not be diminished during their continuance in office. They shall not be allowed any fees or perquisites of office, nor shall they hold any other office of trust or profit under this State, the United States, or any other power.

SECTION 9. No person shall be eligible to the office of Judge of the Supreme Court or Circuit Courts who is not at the time of his election a citizen of the United States, and has not attained the age of thirty years, and been a resident of this State for five years next preceding his election, or from the adoption of this Constitution.

SECTION 10. All vacancies in the Supreme Court or other inferior tribunals shall be filled by election as herein prescribed. All Judges,

by virtue of their office, shall be conservators of the peace throughout the State.

SECTION 11. In all cases decided by the Supreme Court a concurrence of three of the Judges shall be necessary to a decision.

SECTION 12. The State shall be divided into convenient circuits, and for each circuit a Judge shall be elected by the electors qualified to vote for members of the House of Representatives, who shall hold his office during good behavior, and during his continuance in office he shall reside in the circuit of which he is Judge.

SECTION 13. Judges of the Circuit Court shall interchange circuits with each other in such manner as may be determined by law.

SECTION 14. The Courts of Common Pleas shall have original jurisdiction in all civil cases and actions *ex delicto*, which shall not be cognizable before inferior courts, and appellate jurisdiction in all such cases as may be provided by law. They shall have power to issue writs of mandamus, prohibition, *scire facias*, *habeas corpus*, and all other writs which may be necessary for carrying their powers fully into effect.

SECTION 15. The Court of Common Pleas shall sit in each judicial district in this State at least twice in every year, at such stated times and places as may be appointed by law. It shall have general common law and equity jurisdiction.

SECTION 16. It shall be the duty of the Judges of the Supreme and Circuit Courts to file their decisions within sixty days from the last day of the term of court at which the causes were heard.

SECTION 17. The Court of Generel Sessions shall have exclusive jurisdiction over all criminal cases which shall not be otherwise provided for by law. It shall sit in each county in the State at least three times in each year, at such stated times and places as the General Assembly may direct.

SECTION 18. A Court of Probate shall be established in each county, with jurisdiction in all matters testamentary and of administration, in business appertaining to minors and the allottment of dower, in cases of idiocy and lunacy, and persons *non compos mentis*. The Judges of said court shall be elected by the qualified electors of the respective counties for the term of four years.

SECTION 19. Judges shall not charge juries in respect to matters of fact, but may state the testimony and declare the law.

SECTION 20. There shall be elected in each county by the electors thereof, one Clerk for the Court of Common Pleas, who shall hold his office for the term of four years, and until his successor shall be elected and qualified. He shall, by virtue of his office, be clerk of

all other courts of record held therein, but the General Assembly may provide by law for the election of a clerk, with a like term of office, for each or any other of the courts of record, and may authorize the Judge of the Probate Court to perform the duties of clerk for his court, under such regulations as the General Assembly may direct. Clerks of Court shall be removable for such cause and in such manner as shall be prescribed by law.

SECTION 21. There shall be one Solicitor for each circuit, who shall reside therein, to be elected by the qualified electors of the circuit, who shall hold his office for the term of four years, and shall receive for his services such compensation as shall be fixed by law. In all cases where an attorney for the State of any circuit fails to attend and prosecute, according to law, the court shall have power to appoint an attorney *pro tempore*.

SECTION 22. The qualified electors of each county shall elect a Sheriff and a Coroner for the term of four years, and until their successors are elected and qualified ; they shall reside in their respective counties during their continuance in office and be disqualified for the office a second time if it should appear that they or either of them are in default for moneys collected by virtue of their respective offices.

SECTION 23. All writs and processes shall run and all prosecutions shall be conducted in the name of the State of South Carolina ; all writs shall be attested by the Clerk of the court from which they shall be issued ; and all indictments shall conclude against the peace and dignity of the State.

SECTION 24. The General Assembly shall provide by law for the speedy publication of the decisions of the Supreme Court made under this Constitution.

ARTICLE IV.

In all elections to be made by the people of this State, or of any part thereof, for civil or political offices, every person shall be entitled to vote who has the qualifications, to-wit : He shall be a free man who has attained the age of twenty-one years, and is not a pauper, nor a non-commissioned officer or private soldier of the army, nor a seaman or marine of the navy of the United States. He shall, for the two years next preceding the day of election, have been a citizen of this State, or, for the same period, an emigrant from Europe who has declared his intention to become a citizen of the United States according to the Constitution and laws of the United States. He shall have resided in this State for at least two years

next preceding the day of election, and for the last six months of that time in the county in which he offers to vote, and who can read and write in the English language: *Provided,* That an act of the Legislature declaring any person of sufficient intelligence to exercise the right of suffrage shall be deemed the equivalent of ability to read and write in the English language: *Provided, further,* That the General Assembly may, by requiring a registry of voters, or other suitable legislation, guard against frauds in elections and usurpations of the right of suffrage, may impose disqualification to vote as a punishment for crime, and may prescribe additional qualifications for voters in municipal elections.

Article V.

All persons who shall be elected or appointed to any office of profit or trust, before entering on the execution thereof, shall take the following oath, and no other: "I do swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the office to which I have been appointed, and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect, and defend the Constitution of this State, and that of the United States. So help me God."

Article VI.

Section 1. The House of Representatives shall have the sole power of impeaching; but no impeachment shall be made unless with the concurrence of two-thirds of the House of Representatives.

Section 2. All impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be on oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the members present.

Section 3. The Governor, Lieutenant-Governor, and all civil officers, shall be liable to impeachment for high crimes and misdemeanors, for any misbehavior in office, for corruption in procuring office, or for any act which shall degrade their official character. But judgment in such cases shall not extend further than to removal from office and disqualification to hold any office of honor, trust or profit under this State. The party convicted shall, nevertheless, be liable to indictment, trial, judgment, and punishment according to law.

Section 4. All civil officers whose authority is limited to a single judicial county, a single election district, or part of either, shall be appointed, hold their office, be removed from office, and, in addition to liability to impeachment, may be punished for official misconduct, in

such manner as the General Assembly, previous to their appointment, may provide.

SECTION 5. If any civil officer shall become disabled from discharging the duties of his office, by reason of any permanent bodily or mental infirmity, his office may be declared to be vacant, by joint resolution, agreed to by two-thirds of the whole representation in each house of the General Assembly: *Provided*, That such resolution shall contain the grounds for the proposed removal, and, before it shall pass either house, a copy of it shall be served on the officer, and a hearing be allowed him.

ARTICLE VII.

SECTION 1. All other officers shall be elected at each general election and shall hold their offices for four years.

SECTION 2. All commissions shall be in the name and by the authority of the State of South Carolina, be sealed with the seal of the State, and be signed by the Governor.

ARTICLE VIII.

All laws of force in this State at the adoption of this Constitution, and not repugnant hereto, shall so continue until altered or repealed, except where they are temporary; in which case they shall expire at the times respectively limited for their duration, if not continued by act of the General Assembly.

ARTICLE IX.

SECTION 1. All power is originally vested in the people, and all free governments are founded on their authority, and are instituted for their peace, safety and happiness.

SECTION 2. No person shall be taken or imprisoned, or disseized of his freehold, liberties or privileges, or outlawed or exiled, or in any manner deprived of his life, liberty or property, but by due process of law; nor shall any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, ever be passed by the General Assembly.

SECTION 3. The military shall be subordinate to the civil power.

SECTION 4. The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in case of rebellion or invasion, the public safety requires it.

SECTION 5. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

SECTION 6. The General Assembly shall not grant any title of nobility, or hereditary distinction, nor create any office the appointment to which shall be for any longer time than during good behavior.

SECTION 7. The trial by jury as heretofore used in this State, and the liberty of the press, shall be forever inviolably preserved. But the General Assembly shall have power to determine the number of persons who shall constitute the jury in inferior courts, and may dispense with the grand jury in such cases as to it may deem advisable.

SECTION 8. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall be allowed within this State to all mankind: *Provided,* That the liberty of conscience hereby declared shall not be construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace and safety of the State.

SECTION 9. The rights, privileges, immunities and estates of both civil and religious societies and of corporate bodies shall remain as if the Constitution of this State had not been altered or amended.

SECTION 10. The rights of primogeniture shall not be re-established, and there shall not fail to be some legislative provision for the equitable distribution of the estates of intestates.

ARTICLE X.

The General Assembly shall impose a capitation tax not to exceed two dollars on each poll, the payment of which shall be a condition precedent to the exercise of the right of suffrage: excepting, however, from the operation of such capitation tax all such persons as, from disability or otherwise, ought, in the judgment of the General Assembly, to be exempted.

ARTICLE XI.

SECTION 1. No convention of the people shall be called unless by the concurrence of two-thirds of the whole representation in each House of the General Assembly.

SECTION 2. No part of this Constitution shall be altered unless a bill to alter the same shall have been read on three several days in the House of Representatives, and on three several days in the Senate, and agreed to, at the second and third reading, by two-thirds of the whole representation in each House of the General Assembly. Neither shall any alteration take effect until the bill so agreed to shall be published for three months previous to a new election for members of the House of Representatives; and the alteration proposed by the preceding General Assembly shall be agreed to by the new General

Assembly in their first session by the concurrence of two-thirds of the whole representation in each House after the same shall have been read on three several days in each: then, and not otherwise, the same shall become a part of the Constitution.

Article XII.

The laws now in force in relation to the homestead exemptions and the rights of property of married women shall remain inviolate.

Article XIII.

The public debt of this State, except for the ordinary and current business of the State, shall never be increased except by a two-thirds vote of the whole representation.

Article XIV.

No person shall be eligible to any office in this State unless he possesses the qualifications prescribed for members of the House of Representatives by this Constitution.

ORDINANCE.

Section 1. We, the people of the State of South Carolina, by our delegates in convention met, do ordain:

That all laws, orders, resolutions and rules ascertaining the rights of persons, natural or artificial, or regulating proceedings in the courts, which were of force in this State on the tenth day of September in the year of our Lord one thousand eight hundred and ninety-five are now in force, and shall so continue until altered, modified, repealed or avoided by proper State authority.

Section 2. That all acts and resolutions of the General Assembly of this State which have been passed, adopted or ratified and now in force shall so continue until altered, modified, repealed or avoided by proper State authority, except such as have expired by their own limitation or by reason of the cessation of the causes which occasioned their enactment.

Section 3. That all official acts in the Executive and other departments of the government of this State, judicial proceedings, rules of court, sales, conveyances, contracts, obligations, instruments of writing. and transactions affecting rights of persons or property, had, made, executed or incurred on the tenth day of September, in the year of our Lord one thousand eight hundred and ninety-five have, and shall continue to have, in all respects, full force, effect and validity.

SECTION 4. The Judges of the several Courts in this State, and other judicial officers, the Attorney General and Solicitors, the Secretary of State, Attorney General, Comptroller General, State Treasurer, Superintendent of Education, Adjutant and Inspector General, and other officers who derive their authority from or under the Executive, Legislative or Judicial Departments, who were holding and exercising office on the tenth day of September in the year of our Lord one thousand eight hundred and ninety-five are, in the regard of the State, (except where vacancies have since occurred, or may occur, by reason of death, expiration of term or otherwise under the laws of the State,) still holding their respective offices, and are entitled to hold and exercise the same by the original tenure thereof for the residue of the terms for which they were severally elected or appointed.

Mr. HEMPHILL, from the Committee on Printing, submitted the following majority and minority reports, which were ordered for consideration to-morrow:

REPORT OF COMMITTEE ON PRINTING ON A RESOLUTION IN RELATION TO PRINTING FOR THE CONVENTION.

IN THE CONSTITUTIONAL CONVENTION,
COLUMBIA, S. C., September 13, 1895.

The Committee on Printing, to whom was referred a resolution "that Charles A. Calvo, Jr., be elected Printer for this Convention and that he be authorized and directed to execute the printing upon the terms and under the provisions of Chapter III of the Revised Statutes of 1893, relating to public printing," beg leave respectfully to report that they have carefully considered the same, and the majority recommend that the resolution be adopted.

ROBERT R. HEMPHILL, Chairman.
W. F. CLAYTON.
J. W. HAMEL.

We, the minority, recommend that the resolution be not adopted.

D. H. BEHRE.
JOHN B. DENT.

Resolved, That Charles A. Calvo, Jr., Public Printer, be elected Printer for this Convention and that he be authorized and directed to execute the printing upon the terms and under the provisions of Chapter III of the Revised Statutes of 1893, relating to public printing.

Mr. HEMPHILL, from the Committee on Printing, submitted the following report, which was ordered for consideration to-morrow :

IN THE CONSTITUTIONAL CONVENTION,
COLUMBIA, S. C., Sept. 13th, 1895.

The Committee on Printing, to whom was referred a resolution to inquire and report what would be the probable cost of having the proceedings stenographically reported and printed, beg leave to report that they have carefully considered the same, and find that the cost of a stenographic report will be about $100 per week if the stenographer is not required to have the proceedings laid upon the desks of the members each succeeding day. If daily reports are to be placed on the desks of the members the cost would be much greater. By the first method, if the Convention lasted a month, the total cost will approximate $500, while by the other method the cost would be about $2,000.

The cost of printing cannot be estimated, depending entirely upon the amount of work done, but the charge will be about the same as for the permanent publications of the legislative bodies as fixed by law—about $1 per page.

Respectfully submitted,
ROBERT R. HEMPHILL.

Resolved, That it be referred to the Committee on Printing to inquire and report, as soon as practicable, what would be the approximate cost of having the proceedings of this Convention stenographically reported and printed.

Mr. OTTS, from the Committee on Counties and County Government, submitted the following majority and minority reports, which were ordered for consideration to-morrow:

The Committee on Counties and County Government, to whom was referred the ordinance establishing Saluda County, respectfully report that they have carefully considered the same, and recommend that wherever the word Saluda or County of Saluda occurs in the ordinance that Saluda be stricken out and the word "Butler" inserted, and that it do pass as amended.

All of which is respectfully submitted.

J. C. OTTS, for Committee.

AN ORDINANCE TO ESTABLISH A NEW JUDICIAL AND ELECTION COUNTY FROM A PORTION OF THE TERRITORY OF EDGEFIELD COUNTY, TO BE CALLED SALUDA, WITH BOUNDARIES AS HEREINAFTER DESCRIBED.

We, the people of the State of South Carolina, by our delegates in Convention met, do ordain:

1. That a new judicial and election County, which shall be known as Saluda County, shall be formed, and is hereby authorized to be formed, with the following boundaries, to wit:

Beginning at the centre of Big Saluda River at a point opposite the corner of Edgefield and Lexington Counties, thence the Edgefield and Lexington line to the corner of Lexington and Aiken Counties, thence the Edgefield and Aiken line to where the public road crosses said line near Lybrand's Old Mill, thence a straight line to where the Long Cane Road intersects the public road from Johnston to Ward's at Jack Lott's, thence by the Long

Cane Road to where it crosses Mountain Creek at point called Double Bridges, thence along the Northwestern boundary of Pine Grove Township to the point on the old Charleston and Cambridge Road to where it crosses Halfway Swamp Creek, thence down the middle of Halfway Swamp Creek to a point in the middle of Saluda River opposite the mouth of said Creek, thence down the middle of Big Saluda River to the initial point, and the territory embraced within said lines shall be known as the County of Saluda.

2. That J. H. Edwards, B. W. Crouch, Alvin Ethredge, P. C. Stevens and Geo. B. Lester be, and are hereby, appointed Commissioners to have the boundaries of said new County of Saluda as above indicated surveyed and properly marked, as well as to designate and establish the County seat and to provide suitable buildings for the several Court and County officers, and to select and purchase or procure sites for the usual public buildings, and to contract for and superintend the erection of the Court House and Jail thereon, and said public buildings shall be built at the expense of the citizens of said County of Saluda; and to meet the said demands a special tax, not exceeding two mills on the dollar of the assessed value of real and personal property in said County, be levied by the proper County officers hereinafter provided for in accordance with the laws now in force regulating the assessment and collection of taxes.

3. That an election shall be held in the County of Saluda on Tuesday following the first Monday in November, A. D. 1896, or on such other day as may be provided by law hereafter, for members of the General Assembly and for the regular County officers provided for by the Constitution and laws of the State.

4. That until the next apportionment of Resresentatives the said County of Saluda shall be entitled to two Representatives.

5. That the voting precincts heretofore established by law in that portion of Edgefield County embraced in the limits of Saluda County shall be the precincts of Saluda County.

6. That the County of Saluda be, and is hereby, attached to the Second Congressional District, and shall form part and parcel of the Fifth Judicial Circuit, and that the regular terms of the Courts of General Sessions shall be held on , and that the Trial Justices located in that portion of Edgefield County embraced in the limits of Saluda County shall be continued in office until their successors shall have been appointed and qualified: *Provided, however*, That from and after the time this ordinance goes into effect they shall be confined and limited in their official capacity, duty and power to said limits of Saluda County.

7. That from and after the first day of December, A. D. 1896, all suits pending in the Courts of Edgefield of which the defendants reside in that portion of said County now established as the County of Saluda, and all indictments pending in the said County of Edgefield where the offense was committed in that part of said County now established as the County of Saluda, shall be transferred to the Calendars of the Courts of the said County of Saluda; and all records, commissions and other papers belonging to any of the said suits or indictments, together with all the legal incidents thereto appertaining, shall be transferred to the Clerk of the Court of the said County of Saluda.

8. That the Governor be, and he is hereby, authorized and empowered to appoint a Commission of five persons, two of whom shall be residents of the new County of Edgefield, two residents of the new County of Saluda and one resident of some other County of the State, which said Commission shall divide and apportion between the two Counties herein provided for the present lawful and *bona fide* indebtedness of the old County of Edgefield, having regard to the amount of unpaid taxes due to the said County of Edgefield.

MINORITY REPORT.

The undersigned, constituting a minority of the Committee on Counties and County Government, to whom was reported an ordinance in regard to the formatien of a new County to be called Butler, to be cut off entirely from Edgefield County, beg leave to report that they have carefully considered the same; that they do not believe it is proper for the said new County to be established by this Convention without knowing the wishes of the majority of the voters of said County; that our time is too valuable to be consumed by a long discussion which would necessarily follow; that it, along with other proposed counties, should submit themselves to the action of the General Assembly of the State, and we recommend that the ordinance be not adopted.

Respectfully submitted,

T. E. JOHNSON,
E. N. REDFEARN,
FRANK B. GARY,
A. K. SMOAK,
J. THOMAS AUSTIN,
Minority of the Committee.

Mr. PRINCE introduced the following:

Resolved, That this Convention will not create any new counties.

Ordered for consideration to-morrow:

Mr. W. D. EVANS moved that this resolution be placed on the calendar without reference.

Mr. EFIRD introduced the following resolution on September 11th, which was read the first time September 11th and referred to Committee on Suffrage:

Rights of Suffrage.

Section 1. All elections shall be by ballot.

Section 2. Every male citizen of the United States, and every male person of foreign birth who has lawfully expressed his intention of becoming a citizen of the United States, who has attained the age of twenty-one years, and who shall have resided in this State for three

years and in the county and precinct in which he offers to vote for two years next preceding the election at which he offers to vote; and who shall have paid all State, county and poll taxes legally assessed against him for the two years next preceding the election at which he offers to vote, within the time allowed by law for payment without penalty, shall be permitted to vote at any election in this State, provided such elector as a further qualification possesses either one of the following qualifications:

1. He shall be able to read in the English language and give a reasonable interpretation to any section of this Constitution; or

2. He shall be able to copy in legible English writing any section of this Constitution; or

3. He must pay tax on three hundred dollars' worth of property, real or personal, or both; or

4. He must own in fee simple for life, in trust, or as tenant for years, a lot or piece of land in the county in which he offers to vote; or

5. He must have been entitled to vote under the laws of this State on the first day of November, A. D. 1860.

SECTION 3. It shall be the duty of the Legislature from time to time to provide for the registration of electors, and such registration shall be conclusive evidence to all election officers, Judges and courts of the qualifications of the elector to vote under this Constitution.

SECTION 4. The General Assembly shall never pass any law that will deprive any of the citizens of this State of the right of suffrage, except for treason, murder, burglary, larceny, forgery, or any other infamous crime, or dueling, whereof the person shall have been duly tried and convicted; excepting also as above provided in this Article; also the following classes of persons shall not be allowed to vote in this State:

1. Persons under twenty-one years of age.

2. Idiots and lunatics.

3. All paupers supported by any county.

4. All soldiers, marines and seamen employed in the service of the army and navy of the United States.

SECTION 4. For the purpose of voting, no person shall be deemed to have lost his residence by reason of absence while employed in the service of the United States, nor while engaged upon the waters of this State or the United States, or of the high seas, nor while temporarily absent from the State.

SECTION 5. No soldier, seaman or marine in the army or navy ol the United States shall be deemed a resident of this State in consequence of having been stationed therein.

SECTION 6. Electors shall in all cases, except treason, felony or breach of the peace, be privileged from arrest and civil process during their attendance at elections, and in going to and returning from the same.

SECTION 7. Every person entitled to vote at any election shall be eligible to any office which now is, or hereafter shall be, elective by the people in the county where he shall have resided two years previous to such election, except as otherwise provided in this Constitution or the Constitution and laws of the United States.

SECTION 9. Presidential electors shall be elected by the people.

SECTION 10. In all elections held by the people under this Constitution, the person or persons who shall receive the highest number of votes shall be declared elected.

Mr. GRAY introduced the following resolution on September 12th, which was read the first time September 12th and referred to Committee on Executive Department:

RESOLUTION RELATING TO COMMUTATIONS OF SENTENCE, PARDONS, ETC.

Resolved, That the Governor shall have power to remit fines and forfeitures, to grant reprieves, commutations of sentences and pardons, except in cases of impeachment; but no pardon shall be granted nor sentence commuted except upon the recommendation, in writing, of the Lieutenant Governor, Secretary of State, Attorney General, and Superintendent of the Penitentiary, or any three of them, after full hearing, upon due public notice and in open session; and such recommendation, with the reasons therefor at length, shall be recorded and filed in the office of the Secretary of State.

Mr. MURRAY asked and obtained leave to have it spread on the Journal that he voted under a misapprehension of the question before the Convention when he voted "No" yesterday on the motion to lay on the table the amendment to make the per diem of delegates to this Convention four dollars in lieu of two dollars, provided by the original resolution. Mr. Murray favored a per diem of two dollars for the delegates.

Mr. SHEPPARD moved that the report of the Committee on Rules shall be taken up and considered chapter by chapter. Adopted.

The Clerk read Chapter I.

Chapter I was a motion of Mr. Ragsdale. Adopted as a whole.

The Clerk read Chapter II.

Chapter II was adopted as a whole.

Chapter III was read and adopted as a whole.

Clerk read Chapter IV.

Chapter IV was adopted as a whole.

Chapter V was read.

Mr. MILLER moved to amend Rule 21, Chapter V, by inserting 2 instead of 10.

Mr. SMALLS seconded this after debate.

Mr. SHEPPARD moved to lay the amendment of Mr. Miller on the table.

Which was agreed to.

Mr. SHEPPARD moved to strike out Rule 18. Adopted.

Chapter V, as amended, was adopted.

Chapter VI was read.

Mr. SHEPPARD moved to amend by inserting after the word President in last line of chapter the words "except by writing;" which was agreed to.

Mr. GOODING moved to amend by adding 6th "representatives of the press;" which was agreed to.

The section as amended was adopted.

Chapter VII.

Mr. W. D. EVANS moved the following, which was agreed to:

Resolved, That it is the sense of this Convention that each resolution, ordinance, or paper referred to any committee for consideration be printed at length upon the Journal, and that Chapter VII of the report of the Committee on Rules be recommitted to the said committee with instructions to bring in a rule to cover this point.

Which was agreed to.

Chapter VIII was read.

Mr. SHEPPARD offered the following as Rule 41:

RULE 41. If in the judgment of the Committee on Style and Revision any material provision has been omitted from any part of the Constitution, they shall have the right to direct the attention of the Convention thereto in their report, and the Convention may take such action therein as may be proper.

Which was agreed to.

Mr. MEARES offered the following as Rule 42, which was agreed to:

No member shall absent himself from the sessions of the Convention, unless he have leave, or be unable from sickness to attend.

Chapter VIII as amended was adopted.

Mr. STANYARNE WILSON moved that all of the resolutions and ordinances as submitted to the Convention up to date be printed; which was agreed to.

Mr. ALDRICH offered the following resolution, which was agreed to:

Resolved, That the President of the Convention be requested to appoint two additional Laborers for the service of the Convention under the direction of the Sergeant-at-Arms.

Mr. VON KOLNITZ, JR., asked and obtained leave of absence for his colleague, Mr. Barker, until Tuesday next.

Mr. ELLERBE asked and obtained leave of absence for Messrs. J. D. Montgomery, and Berry until Monday next.

Mr. BURNS asked and obtained leave of absence for Mr. Perritte until Monday next.

On motion of Mr. TIMMERMAN. the Convention adjourned at 3:15 P. M. to meet to-morrow at 10 A. M.

FIFTH DAY.

Saturday, September 14, 1895.

The Convention assembled at 10 o'clock A. M.

The Secretary called the roll.

The PRESIDENT took the chair.

A quorum being present, the deliberations were opened with prayer by the Rev. Mr. ABNEY.

The Journal of yesterday's proceedings was read and confirmed.

APPOINTMENTS.

The PRESIDENT announced the following appointments:

H. R. Flanigan, Second Assistant Clerk.

Laborers: Council Cross, Damon Cantey.

The PRESIDENT proceeded to call by Counties for memorials, petitions, &c.

On motion of Mr. ALDRICH, the call by Counties was dispensed with.

PETITION.

Mr. STANYARNE WILSON presented by request the following petition, accompanied by the names of six hundred and twelve citizens of Spartanburg County and ninety-six of the citizens of York County, which was read the first time and referred to the Committee on Counties and County Government :

PETITION FOR THE CREATION OF A COUNTY FROM PORTIONS OF SPARTANBURG, UNION AND YORK COUNTIES, TO BE KNOWN AS LIMESTONE COUNTY.

STATE OF SOUTH CAROLINA, SPARTANBURG COUNTY.

Seeing and feeling the great necessity for a new County, to be cut off and established out of a part of Spartanburg, Union and York Counties, with the County seat at Gaffney City, in Spartanburg County, the undersigned citizens, residing in Spartanburg County and in that part of the County (Eastern part) desired to be cut off into the proposed new County, do most respectfully and earnestly petition the Constitutional Convention, about to assemble, to cut off, incorporate and establish a new County out of the Eastern part of Spartanburg County, the Northern part of Union County (lying between Broad and Pacolet Rivers) and the Western part of York County, as will more fully appear by reference to plat and survey on file in the office of the Secretary of State; but should it not seem practicable or advisable to cut off said part of York County into the proposed new County, then your petitioners pray that said new County be created and established out of said parts of Spartanburg and Union Counties, as appear on said plat and survey. But in case the said Convention should, in its best judgment, not undertake to create new Counties, but refer the same to the action of the General Assembly, then the undersigned respectfully refer this, their request and petition, to the General Assembly, and pray that for the great public convenience, welfare and prosperity of this section of the State in which your petitioners reside, that a new County be created as aforesaid, and to be known, named and called Limestone County, and Gaffney City to be the County seat thereof. And in duty bound your petitioners will ever pray, &c.

Mr. SHEPPARD, from the Committee on Rules, to whom was recommitted the report on rules, submitted the following report, which was considered immediately and agreed upon :

The Committee on Rules, to which was recommitted the report on rules with instructions to bring in a rule which shall provide "that each resolution, ordinance or paper referred to any committee for consideration be printed at length on the journal," respectfully report the following rule to be added to Chapter 7 of the said report as Rule XXVI, to wit:

RULE XXVI.

"Each resolution, ordinance or paper referred to any committee for consideration shall be printed at length in the journal."

We recommend that the subsequent rules be renumbered accordingly.

In order to facilitate the consideration of such resolutions, ordinances and papers by the members of the Convention, we recommend that Rule XXVII of Chapter 7, as printed, be amended by inserting after the word "adoption" in line 5 the following words, to wit: "And shall recite the page in the journal on which the resolution, ordinance or paper referred to them may be found."

JOHN GARY EVANS,
IRA B. JONES,
J. C. SHEPPARD,
C. W. GARRIS,
J. E. BREAZEALE.

Mr. EFIRD moved to amend Rule XXVI by inserting between the words "reading" and "previous" on the second line, the words "on three several days," and by striking out all of said Rule after and including the word "and" on the third line, so that the Rule when amended shall read as follows:

"RULE XXVI. Every resolution for revising, amending or changing the Constitution shall receive three separate readings on three separate days previous to its final adoption."

Which was agreed to.

Mr. EFIRD also moved to amend Rule XXVII by inserting on the sixth line, between the words "members" and "before" the words "one day;" which was agreed to.

Mr. ELLERBE moved to strike out the words "vote of two-thirds," and insert "majority vote," which was agreed to.

Mr. TALBERT moved that the rules as amended be adopted as a whole, which was agreed to.

RESOLUTION.

Mr. GARRIS introduced the following resolution, which was read the first time and referred to the Committee on Legislative Department:

A RESOLUTION ESTABLISHING THE OFFICE OF COMMISSIONER OF LABOR.

Be it resolved BY the people of the State of South Carolina in Convention assembled, that the following provisions shall constitute Section — of Article — of the Constitution of the State:

SECTION 1. There shall be a Labor Commissioner for this State, who shall perform such duties as may be prescribed by law. He shall be elected by the qualified electors of the State for the term of four years, and shall

receive for his services such compensation as shall be fixed by law: *Provided*, The next General Assembly may elect a Labor Commissioner who shall serve as such until his successor shall have been elected and qualified.

SEC. 2. The Labor Commissioner shall be a State officer and shall have his office at Columbia, S. C.

Mr. J. H. READ introduced the following resolution, which was read the first time and referred to the Committee on Finance and Taxation:

RESOLUTION TO CHANGE THE DATE OF THE FISCAL YEAR.

Be it resolved and ordained by the people, in convention assembled, and by the authority of the same, That hereafter the fiscal year shall begin in January, the first day of the calendar year.

Mr. W. D. EVANS introduced the following resolution, which was read the first time and referred to the Committee on Finance and Taxation:

RESOLUTION ON THE COLLECTION OF TAXES.

Resolved, 1st. That all taxes, whether for State, County, city, township, or other public or corporate purposes, levied upon and collected out of property in this State, shall be authorized by and included in the successive legislative supply Acts; and the same shall be collected all together and at the same time by such officials as the Legislature may provide, and the disbursement of the same, or any part thereof, whether by State, County, municipal, or other officer, provided for by the Legislature, shall be reported to and audited by the Comptroller General.

2d. That the fiscal year of this State shall begin and end with and be the same as the calendar year.

Mr. PATTON introduced the following resolution, which was read the first time and referred to the Committee on Declaration of Rights:

A RESOLUTION TO PRESERVE THE RIGHT OF TRIAL BY JURY.

Be it ordained by the people of South Carolina, in convention assembled, That the following provision shall constitute Section —— of Article —— of the Constitution of this State:

The right of trial by jury as it existed at the foundation of this Government shall remain forever inviolate, and no person shall be punished under cover of proceedings for contempt of injunction or other civil process, or in any other manner, for the doing of any act which by the law of the land constitutes a crime, except upon conviction thereof by due process of law before a jury of his peers.

Mr. ALDRICH, by request, introduced the following resolution, which was read the first time and referred to the Committee on Municipal Corporations and Police Regulations:

PROPOSED ARTICLE IN REFERENCE TO THE RIGHT TO VOTE IN INCORPORATED TOWNS AND CITIES.

The right to vote in the incorporated towns and cities of this State, as herein provided, shall be exercised by all citizens so qualified, irrespective of sex.

Mr. SULLIVAN introduced the following resolution, which was read the first time and referred to the Committee on Finance and Taxation:

RESOLUTION PROVIDING FOR A COMMON SCHOOL FUND AND THE DISTRIBUTION OF SAME.

Be it resolved and ordained by the people of the State of South Carolina, in convention assembled, and by the authority of the same, That the following provision shall constitute Section —— of Article —— of the Constitution of this State:

There shall be a common school fund to be retained in the Counties where collected, which shall consist of the poll tax and an annual tax of not less than two mills on the dollar of all taxable property, collected at the same time and by the same officers as other taxes for the same year.

Any separate school district may, by special enactment of the General Assembly, levy an additional tax for the support of its common schools.

The common school fund, except that raised by special enactment, shall be apportioned by the School Commissioners of the respective Counties among the several school districts according to the average attendance on the schools therein; and the fund thus apportioned shall be equitably distributed to each common school in each school district by the School Trustees thereof.

Nothing contained in this Article shall be construed to deprive any school wherein tuition is charged and the elementary branches of an English education are taught from participation in the common school fund.

Mr. HUTSON introduced the following resolution, which was read the first time and referred to the Committee on Judicial Department:

RESOLUTION RELATING TO THE POWER OF JUDGES TO CHARGE JURIES.

Be it resolved and ordained by the people of the State of South Carolina, in convention assembled, and by the authority of the same, That the following shall form Section ——, Article ——, of the Constitution.

Judges may charge juries in respect to matters of fact, and shall state the testimony and declare the law.

Mr. SMOAK introduced the following resolution, which was read the first time and referred to the Committee on Corporations :

RESOLUTION MAKING CORPORATIONS RESPONSIBLE FOR THE PAYMENT OF WORK WHEN A CONSTRUCTION COMPANY FAILS TO PAY THE LABORER.

The General Assembly shall enact laws to protect laborers on buildings, streets, roads, railroads, canals, and other similar works, against the failure of contractors and sub-contractors to pay their current wages when due, and to make the corporation, company, or individual for whose benefit the work is done responsible for their ultimate payment.

Mr. SMOAK introduced the following resolution, which was read the first time and referred to the Committee on Counties and County Government :

RESOLUTION TO CREATE THE NEW COUNTY OF CALHOUN FROM PORTIONS OF ORANGEBURG AND LEXINGTON.

Resolved, That a new judicial and election district be, and the same is hereby, created out of portions of the Counties of Orangeburg and Lexingington, to be called Calhoun County. The boundaries of the said Calhoun County, to be as follows:

Beginning at the southeastern corner of Orangeburg County, on the Santee River, up the Santee River to Congaree River, up Congaree River to the mouth of Tom's Creek; thence southwest to the corner of Aiken, Lexington and Orangeburg Counties, thence east to Four Holes Swamp; thence southeast down Four Holes Swamp to the Berkeley line; thence along the Berkeley line to the starting point.

Mr. McWHITE introduced the following resolution, which was read the first time and referred to the Committee on Judicial Department :

THAT BRIBERY SHALL BE PUNISHED AS PROVIDED BY LAW.

Resolved, That any person who shall, directly or indirectly, offer, give or promise any money or thing of value, testimonial, privilege, or personal advantage to any executive or judicial performance of any of his public or official duties shall be guilty of bribery and be punished in such manner as shall be provided by law; and any member of the Legislature or executive or judicial officer who shall solicit, demand or receive, or consent to receive, directly or indirectly, for himself or for another, from any company, corporation or person, any money, appointment, employment, testimonial, reward, thing of value or employment or of personal advantage, or promise thereof, for his vote or official influence, or for withholding the same, or with any understanding, expressed or implied, that his vote or official action shall be in any way influenced thereby, or who shall solicit, demand and receive any such money or other advantage, matter or thing aforesaid for another as the consideration of his vote or official influence in consideration of the payment or promise of such money, advantage, mat-

ter or thing to another, shall be held guilty of bribery within the meaning of the Constitution and shall incur the disabilities provided for said offenses, with a forfeiture of the office they may hold, and such other additional punishment as is or shall be provided by law.

Mr. SMOAK introduced the following resolution, which was read the first time and referred to the Committee on Judicial Department :

A Resolution to Prohibit Public Trial of Certain Cases and the Publication of Details of Such Trials.

In the trial of grossly immoral cases, such as rape, adultery, fornication and sodomy, the Court shall exclude all boys and young men from the Court room, and may, at its discretion, exclude all persons except such as are necessary in the conduct of the trial; and the publication or transmission ofthe immoral facts and details in the trial of the above mentioned cases, or any others not designated above, shall be deemed a felony.

It shall be the duty of the Legislature to enact laws for the enforcement of this Section.

Mr. MOORE introduced the following resolution, which was read the first time and referred to the Committee on Corporations :

Resolution Restricting Corporations to Pursue Business Fixed by Charter, etc.

Be it ordained by the people of the State of South Carolina, in convention assembled, That no corporation shall engage in any business other than that expressly authorized in its charter, nor shall it take or hold any real estate except such as may be necessary and proper for its legitimate business.

Mr. STANYARNE WILSON introduced the following resolution, which was read the first time and referred to the Committee on Legislative Department :

A Resolution Providing for the Creation, Establishment and Maintenance of a Bureau of Labor Statistics.

Whereas, By the nature of their avocation the great body of wage-earners are at a great disadvantage in the protection of their rights of person and property, and the supervision and friendly hand of the Government is needful, in order that the conditions of labor may be known, evils disclosed and the cause of their existence discovered, and the proper remedies for their removal applied, a healthy system of labor secured, and the interests of the laboring classes advanced;

Be it resolved, That the General Assembly, at its first session after the adoption of this Constitution, shall create and provide for the establishment and maintenance of a Bureau of Labor Statistics, which shall be under the charge of the Commissioner of Labor Statistics, who shall be

appointed by the Governor by and with the advice and consent of the Senate, and it shall also prescribe his term of office, powers, duties, and compensation; and succeeding General Assemblies shall provide for the continued maintenance thereof, with powers of amending such original Act and amendments thereof.

Mr. GAGE introduced the following ordinance, which was read the first time and referred to the Committee on Counties and County Government:

AN ORDINANCE TO REGULATE THE FORMATION OF NEW COUNTIES.

Be it ordained, etc., That each County shall be a corporate body, and all suits by or against the same shall be in the name thereof;

That the metes and bounds of each of the said Counties shall be as they now are, unless changed as hereinafter required;

That new Counties may be established by the division of an existing County, or by the union of parts of existing Counties; but no new County shall be established unless it contains an area of four hundred and fifty square miles, and unless it contains a population of fifteen thousand persons; and no existing County shall be reduced below such area and such population;

That no part of any County shall be taken away to add to or make another County, unless by a vote of two-thirds of the qualified electors of such part at an election held for that purpose;

That the General Assembly shall at its next session enact a general law to execute the provisions of this Section.

Mr. HAYNESWORTH, by request, introduced the following ordinance, which was read the first time and referred to the Committee on Education:

AN ORDINANCE TO PROHIBIT THE USE OR LOAN OF PROPERTY OR CREDIT ON THE PART OF THE STATE OR ANY SUBDIVISION THEREOF IN AID OF ANY SCHOOL OR CHARITABLE INSTITUTION UNDER THE CONTROL OF ANY CHURCH OR RELIGIOUS SOCIETY.

Be it ordained and established by the people of the State of South Carolina, in convention assembled, That the following shall constitute Section —, of Article —, of the Constitution:

That neither the property nor credit of the State of South Carolina, or of any County, City, Town, Township, School District, or other Subdivision of the said State, nor any public money from whatever source derived, shall by gift, donation, loan, contract, appropriation or otherwise, be used directly or indirectly in aid or maintenance of any college, school, hospital, orphan house or other institution, society or organization, of whatever kind, which is wholly or in part under the direction or control of any church, or of any religious or sectarian society or organization.

Mr. MILLER introduced the following ordinance, which was read the first time and referred to the Committee on Judicial Department:

AN ORDINANCE TO PROVIDE THAT THE CONSTITUTION SHALL BE SUBMITTED TO THE PEOPLE TO BE RATIFIED.

Be it resolved: 1. That after the Constitution shall have been passed in convention and duly attested the said Constitution shall be submitted to the qualified electors of the State to be voted for, and if a majority of all votes cast be in favor of the said Constitution, it shall then be, and become, the Constitution of the State of South Carolina.

2. The said vote shall be taken on the second Tuesday in January, A. D. 1896, at the various voting precincts in each and every County of the State.

3. The Governor shall, on the first Tuesday in December, 1895, issue an order for said vote to be taken under the election laws of the State. The ballot shall be plain white paper two and one-half inches wide by five inches long. The favorable ballot shall contain the words, "I am in favor of the new Constitution;" the ballot against shall contain the words, "I am not in favor of the new Constitution." Any and all other ballots, save as above provided, found in any box shall not be counted or included in the count of the votes for or against the ratification of the said Constitution.

Mr. SCARBOROUGH introduced the following ordinance, which was read the first time and referred to the Committee on Counties and County Government:

AN ORDINANCE TO ESTABLISH A NEW JUDICIAL AND ELECTION COUNTY FROM PORTIONS OF THE TERRITORY OF KERSHAW, CHESTERFIELD, DARLINGTON AND SUMTER, TO BE CALLED CALHOUN, WITH BOUNDARIES AS HEREINAFTER DESIGNATED.

We, the people of the State of South Carolina, by our delegates in convention met, do ordain:

1. That a new judicial and election County, which shall be known as Calhoun County, shall be formed, and is hereby authorized to be formed, with the following boundaries, to wit:

Beginning at Sumter County, thence down Lynchs to a point three miles below Lynchburg, thence west to point on public road leading to Maysville, thence northwest to a stake on the C. S. & N. R. R., thence along railroad southwardly to crosses on Scapp O'er Swamp to its confluence with McGirts Branch, thence up McGirts Branch to Mechanicsville, thence northwest to a point on the road leading from Statesburg to Bishopville, thence southwest to a stake on public road which divides Rafting Creek and Spring Hill Townships, thence up said road to its intersection with the Kershaw County line, thence northeast through Kershaw County to the point of intersection of the Cheraw road with Big Pine Tree Creek, thence northeast to the intersection of the Poter and Georgetown roads, thence up the Poter road to a point one-half mile beyond Lynchs Creek, thence due east across Kershaw and Chesterfield Counties to a point where Block Creek crosses the Darlington and Chesterfield County line, thence due south to initial point.

2. That C. W. Woodham, J. W. Gardner, J. L. Parrott, J. H. Scarborough and A. C. Durant be, and are hereby, appointed commissioners to have the boundaries of said new County of Calhoun as above indicated surveyed and properly marked as well as to designate and establish the County seat and to provide suitable buildings for the several Court and County officers, and to select and purchase or procure sites for the usual public buildings, and to contract for and superintend the erection of the court house and jail thereon, and said public buildings shall be built at the expense of the citizens of the town or township offering the best inducements.

3rd. That an election shall be held in the County of Calhoun on the Tuesday following the first Monday in November, A. D. 1896, or on such other day as may be provided by law hereafter, for members of the General Assembly and for the regular County officers provided for by the Constitution and laws of the State.

4th. That until the next apportionment of Representatives the said County of Calhoun shall be entitled to three Representatives.

5th. That the voting precincts heretofore established by law in those portions of Kershaw, Chesterfield, Darlington and Sumter Counties embraced in the limits of Calhoun County shall be the precincts of Calhoun County.

6th. That the County of Calhoun be, and is hereby, attached to the Seventh Congressional District, and shall form part and parcel of the Third Judicial Circuit, and that the regular terms of the Court of General Sessions shall be held on.....
and that the Trial Justices located in those portions of Kershaw, Chesterfield, Darlington and Sumter Counties embraced in the limits of Calhoun County shall be continued in office until their successors shall have been appointed and qualified: *Provided, however,* That from and after the time this ordinance goes into effect they shall be confined and limited in their official capacity, duty and power to said limits of Calhoun County.

7th. That from and after the first day of December, A. D. 1896, all suits pending in the Courts of Kershaw, Chesterfield, Darlington and Sumter Counties of which the defendants reside those portions of said Counties now established as the County of Calhoun, and all indictments pending in said Counties of Kershaw, Chesterfield, Darlington and Sumter where the offense was committed in those parts of said Counties now established as the County of Calhoun, shall be transferred to the Calendars of the Courts of the said County of Calhoun; and all records, commissions and other papers belonging to any of the said suits or indictments, together with all the legal incidents thereto appertaining, shall be transferred to the Clerk of the Court of the said County of Calhoun.

8th. That the Governor be, and he is hereby, authorized and empowered to appoint a commission of five persons, one of whom shall be a resident of the new County of Kershaw, one resident of the new County of Darlington, one a resident of the new County of Sumter, one a resident of the new County of Calhoun and one a resident of some other County of the State, which said commission shall divide and apportion between the five new Counties herein provided for the present lawful and bona fide indebtedness

of the old Counties of Kershaw, Darlington, Chesterfield and Sumter, having regard to the amount of unpaid taxes due the said Counties of Kershaw, Darlington, Sumter and Chesterfield.

Mr. MOORE introduced the following ordinance, which was read the first time and referred to the Committee on Legislative Department :

ORDINANCE TO DISALLOW DISTRESS FOR RENT.

Be it ordained by the people of the State of South Carolina, in convention assembled, That distress for rent shall not be allowed.

Mr. PARROTT introduced the following ordinance, which was read the first time and referred to the Committee on Education :

AN ORDINANCE TO ABOLISH THE OFFICE OF STATE SUPERINTENDENT OF EDUCATION AND OF THE COUNTY SCHOOL COMMISSIONERS.

Be it resolved and ordained by the people, in convention assembled, That the offices of State Superintendent of Education and of County School Commissioners be abolished and the duties of these offices be devolved upon the Comptroller-General and Board of County Commissioners respectively.

Mr. LOWMAN introduced the following ordinance, which was read the first time and referred to the Committee on Legislative Department :

ARTICLE ——.

POWER OF THE GENERAL ASSEMBLY OVER TAXATION.

SECTION 1.

Paragraph 1. The right of taxation is a sovereign right, inalienable, indestructible ; is the life of the State, and rightfully belongs to the people in all republican governments, and neither the General Assembly, nor any nor all other departments of the government established by this Constitution shall ever have the authority to irrevocably give, grant, limit or restrain this right ; and all laws, grants, contracts, and all other acts whatsoever by said government, or any department thereof, to effect any of these purposes shall be, and are hereby declared to be, null and void for every purpose whatsoever ; and said right of taxation shall always be under the complete control of, and revocable by the State, notwithstanding any gift, grant or contract whatsoever by the General Assembly.

SECTION II.

Paragraph 1. The power and authority of regulating railroad freights and passenger tariffs, preventing unjust discriminations, and requiring reasonable and just rates of freight and passenger tariffs, are hereby conferred upon the General Assembly, whose duty it shall be to pass laws, from time to time, to regulate freight and passenger tariffs, to prohibit unjust discriminations on the various railroads of the State, and prohibit said roads from charging other than reasonable rates, and enforce the same by adequate penalties.

Paragraph 2. The General Assembly shall not remit the forfeiture of the charter of any corporation now existing, nor alter or amend the same, nor pass any other general or special law for the benefit of said corporation, except upon the condition that said corporation shall thereafter hold its charter subject to the provisions of this Constitution; and every amendment of any charter of any corporation in this State, or any special law for its benefit, accepted thereby, shall operate as a novation of said charter and shall bring the same under the provisions of this Constitution: *Provided,* That this Section shall not extend to any amendment for the purpose of allowing any existing road to take stock in or aid in the building of any branch road.

Paragraph 3. The General Assembly of this State shall have no power to authorize any corporation to buy shares or stock in any other corporation in this State or elsewhere, or to make any contract or agreement whatever with any such corporation, which may have the effect, or be intended to have the effect, to defeat or lessen competition in their business, or to encourage monopoly; and all such contracts and agreements shall be illegal and void.

Paragraph 4. No railroad shall give or pay any rebate, or bonus in the nature thereof, directly or indirectly, or do any act to mislead or deceive the public as to real rates charged or received for freight or passage; and any such payment shall be illegal and void, and these prohibitions shall be enforced by suitable penalties.

Paragraph 5. No provision of this Article shall be deemed, held or taken to impair the obligation of any contract heretofore made by the State of South Carolina.

Paragraph 6. The General Assembly shall enforce the provisions of this Article by appropriate legislation.

Mr. DERHAM introduced the following resolution, which was read the first time and referred to the Committee on Education:

TO LEVY A SCHOOL POLL TAX FOR THE SUPPORT OF PUBLIC SCHOOLS AND LIMIT A CERTAIN PER CENT. OF SAME, THE AMOUNT THAT MAY BE APPROPRIATED TO THE STATE EDUCATIONAL INSTITUTIONS.

The General Assembly shall levy, at each regular session after the adoption of this Constitution, an annual tax of not less than 3 mills on all taxable property throughout the State, and there shall be assessed on all taxable polls in the State an annual tax of one dollar for each poll for the support of the public schools of the State. There shall be two funds in each County, the one for the support of the public schools for the whites, to be known as Fund A, and the one for the support of the school for the negroes to be known as Fund B. At the time of making return each taxpayer may designate to which fund his school and poll tax shall be applied, and the Auditor shall so apply it. In case the taxpayer fails to designate the fund, the Auditor shall apply the school and poll tax of the whites to Fund A, and poll and school tax of the negroes to Fund B. The Fund A shall be distributed according to the numbers of white children of school age in each County, and Fund B shall be distributed according to the number of negro children of school age in each County. No part of this fund shall be used for any other purpose than to pay salaries of teachers actually engaged in teaching in the public schools of the different Counties of the State, and no part thereof shall be expended for its collection or disbursement: *Provided*, That the General Assembly shall, in appropriating money for the support of the State educational institutions, shall not appropriate a sum to exceed one-sixth of the Constitutional and poll tax actually paid to teachers for teaching the public or common schools in the various Counties.

REPORTS OF STANDING COMMITTEES.

Mr. SLOAN, from the Committee on Miscellaneous Matters, submitted a favorable report on a proposed Section of Article V of the Constitution, in reference to the oath of office.

Ordered for consideration to-morrow.

Mr. SLOAN, from the Committee on Miscellaneous Matters, submitted a favorable report on a resolution in reference to existing laws.

Ordered for consideration to-morrow.

Mr. TIMMERMAN, from the Committee on Miscellaneous Matters, submitted a favorable report on a resolution in reference to lotteries in this State.

Ordered for consideration to-morrow.

GENERAL ORDERS.

SECOND READING OF RESOLUTIONS AND ORDINANCES.

Mr. B. R. TILLMAN moved to take up No. 2 in place of No. 1, as the Calendar was arranged.

Agreed to.

Mr. HEMPHILL moved to recommit the whole matter.

After debate,

Mr. McGOWAN moved to take up No. 1 in place of No. 2.

Mr. HEMPHILL withdrew his motion to allow this.

This motion prevailed.

Mr. B. R. TILLMAN then moved to amend by allowing all new Counties to come in when the territory came exclusively from one County and there was no opposition thereto.

This motion was lost.

No. 1.—Resolution relating to the creation of new Counties.

Mr. DERHAM moved to amend by adding the following words: *Provided,* This shall not apply to the proposed County of Saluda.

After debate, participated in by Messrs. McGowan, G. D. Tillman, Watson, B. R. Tillman, Talbert, Johnstone, Otts, Parler and others,

Mr. HEMPHILL moved to lay the amendment of Mr. Derham on the table.

Upon which the yeas and nays were demanded.

The question being put: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 67; nays, 82.

Those who voted in the affirmative are:

Yeas—Messrs. Alexander, Ashe, Atkinson, Austin, Barry, Barton, Bates, Behre, Berry, Bobo, J. S. Brice, Bryan, Burn, Carver, Cooper, Cunningham, Douglass, Doyle, Ellerbe, Farrow, Fitch, Floyd, Fraser, Gage, Gary, J. L. Glenn, Hay, Hemphill, Houser, Howell, T. E. Johnson, E. J. Kennedy, Klugh, Lee, Lowman, McGowan, Meares, W. J. Montgomery, Nash, Nicholson, Parler, Parrott, Patterson, Patton, Peake, Prince, J. H. Read, Redfearn, John Reed, Rowland, Russell, Scarborough, Smalls, A. J. Smith, R. F. Smith, Smoak, Stokes, Stribling, Taylor, VonKolnitz, Waters, Wells, Whipper, A. H. White, Wigg, Stanyarne Wilson and Winkler. —67.

Those who voted in the negative are:

Nays—Hon. John Gary Evans, President, and Messrs. Aldrich, Anderson, Bowen, Bowman, Bradham, Breazeale, T. W. Brice, Buist, Byrd, Cantey, Clayton, DeHay, Dennis, Dent, Derham, Dudley, Efird, Estridge, W. D. Evans, Field, Gamble, J. P. Glenn, Gooding, Graham, Gray, Gunter, Hamel, Harris, Harrison, Haynsworth, D. S. Henderson, Wm. Henderson, Henry, Hiers, Hodges, Hutson, Irby, George Johnstone, Ira B. Jones, Wilie Jones, Keitt, J. W. Kennedy, Lybrand, McCaslan, McCown, McDermotte, McKagan, McMahan, McMakin, McWhite, Matthews, Miller, Mitchell, Moore, Morrison,

Mower, Murray, Nathans, Oliver, Otts, Ragsdale, Rogers, Rosborough, Sheppard, Shuler, Singletary, Sligh, Sloan, Jeremiah Smith, W. C. Smith, Sprott, Sullivan, Talbert, B. R. Tillman, G. D. Tillman, Timmerman, Watson, Wharton, S. E. White, Wiggins and Woodward.—82.

So the Convention refused to table the amendment offered by Mr. Derham.

The resolution, after being amended, was adopted.

No 2. Report of the committee on new County to be called Saluda County.

The committee proposed the following amendment:

"That the word Saluda be stricken out wherever it appears in the title or body of the ordinance, and the word Butler inserted in lieu thereof."

After debate, participated in by Messrs. G. D. Tillman, Watson and others,

Mr. W. D. EVANS moved to lay on the table the amendment proposed by the committee, upon which the ayes and nays were demanded.

The question being put: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 64; nays, 76.

Those who voted in the affirmative are:

Yeas—Hon. John Gary Evans, President, and Messrs. Alexander, Anderson, Ashe, Austin, Barry, Barton, Behre, Bobo, Bowen, Bowman, Bradham, Breazeale, Buist, Carver, Cooper, Cunningham, DeHay, Dennis, Douglass, Dudley, Efird, Estridge, W. D. Evans, Floyd, Gamble, Gary, J. P. Glenn, Gooding, Gunter, Hamel, Harris, Harrison, Hemphill, Wm. Henderson, Henry, Hodges, Houser, T. E. Johnson, Lowman, McMakin, McWhite, Matthews, Miller, Morrison, Murray, Nicholson, Parrott, Patterson, Rosborough, Shuler, Sligh, A. J. Smith, W. C. Smith, Smoak, Stokes, Stribling, Talbert, Timmerman, Watson, Whipper, Wigg, Winkler and Woodward—64.

Those who voted in the negative are:

Nays—Messrs. Aldrich, Atkinson, Bates, J. S. Brice, T. W. Brice, Bryan, Byrd, Cantey, Clayton, Dent, Derham, Doyle, Ellerbe, Farrow, Field, Fitch, Fraser, Gage, Garris, J. L. Glenn, Graham, Gray, Hay, Haynsworth, Howell, Irby, George Johnstone, Ira B. Jones, Wilie Jones, Keitt, E. J. Kennedy, J. W. Kennedy, Klugh, Lee, McCaslin, McCown, McDermotte, McGowan, McKagen, McMahan, Meares, Mitchell, W. J. Montgomery, Moore, Mower, Nash, Nathans,

Oliver, Otts, Parler, Patton, Peake, Prince, Ragsdale, J. H. Read, Redfearn, John Reed, Rogers, Rowland, Russell, Scarborough, Sheppard, Singletary, Sloan, Smalls, Jeremiah Smith, R. F. Smith, Sprott, Sullivan, Taylor, G. D. Tillman, VonKolnitz, Wells, Wharton, S. E. White, A. H. White, Wiggins and Stanyarne Wilson.—76.

So the Convention refused to table the amendment proposed by the committee. The amendment proposed by the committee was agreed to.

Mr. TIMMERMAN proposed to amend as follows: After the word "to," at the end of line 8 of the printed Bill, insert the words "a point three miles north of;" which was agreed to.

Also amend by striking out all after the word "line" in the tenth line of the printed Bill down to the word "thence" in the eleventh line, and insert the words "to 10-mile post on public highway leading from Edgefield to Columbia, near the residence of J. W. L. Bartley; thence a straight line to the intersection of the public road leading from Pleasant Cross with the Long Cane road near William Lott's;" which was agreed to.

Also, Section 2, line 2 of the original Bill, strike out the name of "J. C. H. Ranch" and insert the name of "B. L Caughman;" which was agreed to.

The ordinance, as amended, was read the second time and ordered to a third reading to-morrow.

3. Report of Committee on Printing on resolution relating to stenographic report of proceedings of Convention.

On motion of Mr. WILSON, the report was received as information and ordered to be laid on the table.

4. Report of the Committee on Printing on a resolution in relation to the printing for the Convention.

The majority report recommends that the resolution be adopted.

The minority report recommends that the report be not adopted.

Mr. TIMMERMAN moved to lay the minority report on the table.

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows:

Yeas, 70; nays, 53.

Those who voted in the affirmative are:

Yeas—Hon. John Gary Evans, President, and Messrs. Aldrich, Alexander, Ashe, Austin, Barton, Bates, Bobo, Bowman, Bradham, Breazeale, Buist, Burn, Cantey, Clayton, Cooper, DeHay, Dennis, Douglass, Dudley, Efird, Ellerbe, Estridge, W. D. Evans, Floyd, Gamble, Gary, Gooding, Gray, Gunter, Hamel, Harris, Harrison,

Hemphill, William Henderson, Henry, Hodges, Houser, Irby, T. E. Johnson, Ira B. Jones, Wilie Jones, Keitt, J. W. Kennedy, Klugh, Lowman, McCaslan, McCown, McMakin, McWhite, Matthews, Meares, Miller, Moore, Morrison, Murray, Nicholson, Otts, Parler, Parrott, Patterson, Prince, Redfearn, Rowland, Russell, Shuler, A. J. Smith, W. C. Smith, Smoak, Stokes, Talbert, Taylor, Timmerman, Waters, Wharton, Whipper, Stanyarne Wilson and Winkler.—70.

Those who voted in the negative are:

Messrs. Anderson, Atkinson, Barry, Bowen, J. S., Brice, T. W., Brice, Bryan, Byrd, Cunningham, Dent, Derham, Doyle, Farrow, Field, Fitch, Fraser, Gage, J. L. Glenn, J. P. Glenn, Graham, Hay, Haynsworth, Howell, George Johnstone, E. J. Kennedy, Lee, McDermotte, McGowan, McMahan, W. J. Montgomery, Mower, Nash, Oliver, Patton, Peake, Ragsdale, John Reed, Rogers, Scarborough, Sheppard, Singletary, Sloan, Smalls, Jeremiah Smith, R. F. Smith, Stribling, Sullivan, G. D. Tillman, Wells, H. White, S. E. White, Wigg and Wiggins.—53.

So the Convention agreed to table the minority report.

Mr. McMAHAN moved to recommit the resolution to the Committee on Printing, with instructions to receive bids and report thereon.

Mr. TIMMERMAN moved to lay the motion of Mr. McMahan on the table.

Upon which the yeas and nays were demanded.

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows:

Yeas, 73; nays 61.

Those who voted in the affirmative are:

Hon. John Gary Evans, President, and Messrs. Aldrich, Alexander, Anderson, Ashe, Austin, Barton, Bates, Bobo, Bowman, Bradham, Breazeale, Buist, Burn, Cantey, Carver, Clayton, Cooper, DeHay, Dennis, Douglass, Ellerbe, Estridge, W. D. Evans, Field, Floyd, Garris, Gooding, Gray, Gunter, Hamel, Harris, Harrison, Hemphill, Wm. Henderson, Henry, Hodges, Houser, Irby, T. E. Johnson, Ira B. Jones, Wilie Jones, J. W. Kennedy, Klugh, Lowman, McMahan, McMakin, McWhite, Matthews, Meares, Miller, Moore, Morrison, Murray, Nicholson, Otts, Parler, Parrott, Redfearu, Rosborough, Rowland, Russell, Shuler, A. J. Smith, W. C. Smith, Smoak, Stokes, Talbert, Timmerman, Wharton, Whipper, Stanyarne Wilson and Winkler.—73.

Those who voted in the negative are:

Nays—Messrs. Atkinson, Barry, Behre, Bowen, J. S. Brice, T. W. Brice, Bryan, Byrd, Cunningham, Dent, Derham, Doyle, Dudley, Efird, Farrow, Fitch, Fraser, Gage, Gamble, J. L. Glenn, J. P. Glenn, Graham, Hay, Haynsworth, Howell, George Johnstone, Keitt, E. J. Kennedy, Lee, McCaslan, McCown, McDermotte, McGowan, McKagen, W. J. Montgomery, Mower, Nash, Oliver, Patton, Peake, Prince, Ragsdale, John Reed, Rogers, Scarborough, Sheppard, Singletary, Sloan, Smalls, Jeremiah Smith, R. F. Smith, Stribling, Sullivan, Taylor, G. D. Tillman, Wells, A. H. White, S. E. White, Wigg and Wiggins.—61.

Mr. McMAHAN changed his vote from nay to yea.

So the Convention agreed to lay the motion of Mr. McMahan on the table.

Mr. STANYARNE WILSON moved to reconsider the vote whereby the Convention agreed to lay the motion to recommit on the table, and to lay that motion on the table; which was agreed to.

Mr. STANYARNE WILSON moved to amend the resolution by striking out the words "be elected printer for this Convention, and that he be," and insert in lieu thereof the words "is hereby"; which amendment was agreed to.

The resolution as amended was adopted.

Mr. READ asked and obtained leave of absence till Tuesday night.

Mr. GOODING asked and obtained leave of absence for his colleague, Mr. Hutson, till Monday next.

Mr. RAGSDALE asked and obtained leave of absence till Monday next for self and Mr. Brice.

Mr. McGOWAN asked and obtained leave of absence for his colleague, Mr. Klugh, till Monday next.

Mr. TIMMERMAN asked and obtained leave of absence for his colleague, Mr. Watson, till Monday next.

Mr. EFIRD asked and obtained leave of absence for his colleague, Mr. Lybrand, till Monday next.

Mr. ALDRICH moved that when this Convention adjourn, it stands adjourned till 12 M. on Monday; which was agreed to.

On motion of Mr. BATES, the Convention, at 2:40 P. M., adjourned till 12 M. Monday.

SIXTH DAY.

Monday, September 16, 1895.

The Convention assembled at 12 o'clock M.

The Secretary called the roll.

The PRESIDENT took the chair.

A quorum being present, the deliberations was opened with prayer by the Rev. Mr. ABNEY.

The Journal of Saturday's proceedings was read and confirmed.

Mr. SHEPPARD called attention to the fact that the Journal prints a second time the resolutions.

The PRESIDENT said that committees are not expected to report each separate resolution, but shall report the Articles of the Constitution as proposed by them, together with all resolutions in connection therewith.

The PRESIDENT announced that he had unintentionally omitted the name of Mr. Henry from the list of committees.

Mr. A. J. SMITH moved that the President be instructed to add the name of Mr. Henry to the committees, which was agreed to.

APPOINTMENTS.

The PRESIDENT announced the following appointments:

W. H. Yeldell, Chief Clerk of the Engrossing Department.

D. H. Witherspoon, Bill Clerk.

Mr. STANYARNE WILSON moved that the call by Counties be dispensed with, which was agreed to.

Mr. BEHRE stated when his name was called that he was paired with Mr. Garris. Had Mr. Garris been present Mr. Behre would have voted "No" on the question relating to the awarding the printing for the Convention.

Mr. STANYARNE WILSON proposed the following resolution, which was considered immediately and agreed to:

Resolved, That this Convention will entertain no resolution proposing to revise, amend or change the Constitution, or any portion thereof, after the 23d instant, unless presented by one of the standing committees of the Convention.

Mr. GRAY presented the following resolution, which was considered immediately and agreed to :

Resolved, That Charles A. Calvo, Jr., State Printer, be authorized and instructed to print (500) five hundred copies of the permanent Journal of the proceedings of this Convention.

Mr. GRAY presented the following, which was received as information :

COLUMBIA, S. C., September 16, 1895.

To the Constitutional Convention of South Carolina.

GENTLEMEN: I hereby signify my acceptance of the Convention printing under the terms of the Revised Statutes of 1893, in accordance with the action of your honorable body on the 14th instant.

Respectfully,

CHARLES A. CALVO, JR.

Mr. OTTS asked and obtained permission to have the following printed in the Journal :

When the amendment to the Saluda County was recommended by the Committee on Counties and County Government, I was led to believe that the people of the proposed County were in favor of the name of Butler. Since that time I have become convinced that they do not want the name of Butler, and I shall vote accordingly.

RESOLUTIONS.

Mr. TIMMERMAN introduced the following resolution, which was read the first time and referred to the Committee on Miscellaneous Matters :

AN ORDINANCE TO PROHIBIT OFFICE HOLDERS FROM GAMBLING OR BETTING ON GAMES OF CHANCE.

Be it resolved and ordained by the people of the State of South Carolina, in convention assembled, That any person holding an office of honor, trust or profit who shall engage in gambling or betting on games of chance shall become thereby disqualified from the further exercise of the functions of his office and that the same shall be declared vacated.

Mr. DUDLEY introduced the following ordinance, which was read the first time and refered to the Committee on Legislative Department :

AN ORDINANCE TO PROVIDE FOR MARRIAGE LICENSES AND RECORD OF SAME, WITH BIRTHS AND DEATHS, BY CLERK OF COURT.

We, the people of the State of South Carolina, in convention met, do ordain:

1. That the General Assembly provide for granting marriage license and a record of same, together with births and deaths, by the Clerk of the Court of Common Pleas.

Mr. GAMBLE introduced the following ordinance, which was read the first time and referred to the Committee on Legislative Department:

AN ORDINANCE RELATING TO THE RIGHT OF SUFFRAGE.

Section 1. All the elections by the people shall be by ballot.

Section 2. Every male citizen of the United States, and every male citizen of foreign birth who may have legally declared his intention to become a citizen of the United States before he offers to vote, who is twenty-one years of age or over, possessing the following qualifications, shall be an elector and shall be entitled to vote at any election by the people except hereinafter provided:

First. He shall have resided in the State twelve months, in the County six months and in the election precinct or ward three months immediately preceding the election at which he offers to vote: *Provided,* A temporary absence does not debar him the rights of an elector.

Second. He must be of sound mind and duly registered as provided in this Article; he shall also have paid before the 1st of March of the year in which he shall offer to vote all taxes which may have been legally required of him and which he has had an opportunity of paying according to law.

Third. Before he can register he must present to the Supervisor of Registration the following certificates: 1. From the Clerk of the Court to the effect that he has never been guilty of any crime. 2. From the County Board of Examiners that he can read any Article of the Constitution or can give a reasonable interpretation thereof when read to him. 3. From the Township Board that he has not been known to be guilty of adultery, fornication, willfully neglecting his wife and children or maltreating either of them.

Section 4. The Legislature shall provide by law for all persons to register who are entitled to vote at any election, and all persons offering to register shall take the following oath: I, ————————, do solemnly swear (or affirm) that I am twenty-one years of age and that I will have resided in this State one year, in the County of ———— six months and in the election precinct (or ward) of ———— three months preceding the ensuing election and am now in good faith a resident of the same, and that I am not disqualified from voting by reason of having been convicted or guilty of any crime named in the Constitution of this State as a disqualification to be an elector; that I will faithfully support the Constitution of the United States and the State of South Carolina, and will bear true faith and allegiance to the same. So help me God.

Section 5. Electors in municipal elections shall possess all the qualifications herein provided, and such additional qualifications as may be provided by this Constitution or by law.

Mr. BUIST introduced the following resolution, which was read the first time and referred to the Committee on Legislative Department:

RESOLUTION FORBIDDING THE GENERAL ASSEMBLY GRANTING EXTRA COMPENSATION UNDER CERTAIN CONDITIONS.

Resolved by the people of South Carolina, in convention assembled, That the General Assembly shall never grant extra compensation, fee or allowance to any public officer, agent, servant or contractor, after service rendered or contract made, nor authorize payment or part payment of any claim under any contract not authorized by law; but appropriations may be made for expenditures in repelling invasion, preventing or suppressing insurrections.

Mr. SLOAN introduced the following resolution, which was read the first time and referred to the Committee on Declaration of Rights:

RESOLUTION THAT NO PERSON WHO DENIES THE EXISTENCE OF THE SUPREME BEING SHALL BE ELIGIBLE TO ANY OFFICE UNDER THIS CONSTITUTION.

Be it resolved and ordained by the people of the State of South Carolina, in convention assembled, and by the authority of the same, that the following provisions shall constitute Section —— of Article —— of the Constitution of this State:

"No person who denies the existence of the Supreme Being shall be eligible to any office under this Constitution."

Mr. ESTRIDGE introduced the following resolution, which was read the first time and referred to the Committee on Legislation:

RESOLUTION PROHIBITING ATTORNEY OF A CORPORATION FROM HOLDING OFFICE OF SENATOR OR REPRESENTATIVE.

Be it resolved and ordained by the people, in convention assembled, and by the authority of the same:

1. That no attorney for any corporation shall be eligible to a seat in the Legislature. If any person, after his election, become attorney for any corporation, he shall vacate his seat.

Mr. BOWMAN introduced the following resolution, which was read the first time and referred to the Committee on Judicial Department:

RESOLUTION AMENDING ARTICLE IV OF THE CONSTITUTION, RELATING TO THE JUDICIAL DEPARTMENT.

Be it ordained by the people, in convention assembled, and by the authority of the same:

ARTICLE —

Section 1. The judicial power of this State shall be vested in a Supreme Court, in two Circuit Courts, to-wit: A Court of Common pleas, having civil jurisdiction, and a Court of General Sessions, with criminal jurisdiction only, and in County Courts. The General Assembly shall also establish such municipal and other inferior courts as may be deemed necessary.

Section 2. The Supreme Court shall be composed of the Judges of the several judicial circuits of the State, one of whom shall be designated by the Governor, by and with the advice and consent of the Senate, as the Chief Judge.

Section 3. The Supreme Court shall have appellate jurisdiction only in cases of law and equity, under such regulations as the General Assembly may by law prescribe: *Provided*, The said Court shall always have power to issue writs of injunction, *mandamus, quo warranto, habeas corpus,* and such other original and remedial writs as may be necessary to give it a general supervisory control over all other courts of this State.

Section 4. Five of said Judges shall constitute a quorum; no cause shall be decided without the concurrence of at least five, but the Judge who heard the cause below shall not participate in the decision. In every case an opinion in writing shall be filed within sixty days after the argument or submission of the cause, and the judgment of the court shall be final and conclusive; and all causes shall stand for a hearing at the first term after the transmission of the record.

Section 5. The Supreme Court shall be held at least twice in each year at the seat of government, and at such other place or places as the General Assembly may direct.

Section 6. There shall be appointed by the Judges of the Supreme Court a Reporter and a Clerk of said court, who shall hold their offices for four years, and whose duties and compensation shall be prescribed by law.

Section 7. When a judgment or decree is reversed or affirmed by the Supreme Court, every point made and distinctly stated in writing in the cause and fairly arising upon the record of the case shall be considered and decided, and the reasons therefor shall be concisely and briefly stated in writing and preserved with the record of the case.

Section 8. The Judges of the courts enumerated in this Article shall at stated times receive a compensation for their services, to be fixed by law, which shall not be diminished during their continuance in office; they shall not be allowed any fees or perquisites of office, nor shall they hold any other office of trust or profit under this State, the United States or any other power.

Section 9. No person shall be eligible to the office of Judge of any of the courts enumerated in this Article who is not at the time of his election a citizen of the United States and has not attained the age of thirty years and been a resident of this State for five years next preceding his election.

Section 10. All vacancies in the courts enumerated in this Article shall be filled by elections as herein provided: *Provided,* That if the unexpired term does not exceed one year such vacancy may be filled by Executive appointment. All Judges by virtue of their office shall be conservators of the peace throughout the State.

Section 11. The State shall be divided into convenient circuits, in each of which there shall be elected by the electors thereof a Judge, who shall hold his office for eight years, and who at the time of his election and during his continuance in office shall reside in the circuit of which he is Judge.

Section 12. Judges of the Circuit Court shall interchange circuits with each other in such manner as may be determined by law.

Section 13. The Courts of Common Pleas shall have exclusive jurisdiction in all civil cases and actions *ex delicto* which shall not be cognizable before the county and inferior courts, and appellate jurisdiction in all such cases as may be provided by law. They shall have power to issue writs of mandamus, prohibition, *scire facias* and all other writs that may be necessary to carry their powers fully into effect.

Section 14. The Court of Common Pleas shall sit in each judicial district in this State at least twice in each year at such stated times and places as may be appointed by law. It shall have common law and equity jurisdiction. The Judges thereof shall in every case file their opinions in writing within thirty days after the hearing of said case.

Section 15. The Court of General Sessions shall have exclusive jurisdiction over all criminal cases which shall not be otherwise provided for by law. It shall sit in each County at least twice in each year at such stated times and places as the General Assembly may direct.

Section 16. There shall be elected in each County, by the electors thereof, a County Judge, who shall be the Judge of the County Court of said County, whose term of office shall be four years until otherwise provided by law.

Section 17. County Courts shall be courts of record, and shall have original jurisdiction in matters testamentary and of administration, in business appertaining to minors and the allotment of dower, in cases of idiocy and lunacy and persons *non compos mentis.*

Section 18. The County Court shall have civil jurisdiction in all cases save those where the debt, damage, claim or value of property involved shall exceed one thousand dollars or the question of title to real estate is involved. It shall sit at least once in every two months.

Section 19. The County Courts shall have criminal jurisdiction in all criminal cases except where the punishment is capital or life imprisonment.

Section 20. Judges shall not charge juries in respect to matters of fact, but may state the testimony and declare the law.

Section 21. There shall be an Attorney-General for the State, who shall perform such duties as may be prescribed by law. He shall be elected by the qualified electors of the State for the term of four years, and shall receive for his services such compensation as may be fixed by law.

Section 22. There shall be one Solicitor for each County, who shall reside therein, to be elected by the qualified electors of that County, who shall hold his office for the term of four years, and shall receive for his services such compensation as shall be fixed by law. He shall be Solicitor for the Circuit and County Courts in that County. He shall be legal adviser and

attorney for the County officers. In all cases where an attorney for the State of any County fails to attend and prosecute according to law, the Court shall have power to appoint an attorney *pro tempore*.

Section 23. There shall be elected in each County by the electors thereof one Clerk, who shall be Clerk of the Circuit and County Courts, and who shall hold his office for four years and until his successor is elected and qualified. He shall receive such compensation as shall be fixed by law.

Section 24. The qualified electors for each County shall elect a Sheriff and Coroner for the term of four years and until their successors are elected and qualified. They shall reside in their respective Counties during their continuance in office, and be disqualified for office a second time, if it should appear that they or either of them are in default for money collected by virtue of their respective offices.

Section 25. All writs and processes shall run and all prosecutions shall be conducted in the name of the State of South Carolina; all writs shall be attested by the Clerk of the Court from which they shall be issued; and all indictments shall conclude, "against the peace and dignity of the State."

Section 26. The General Assembly shall provide by law for the speedy publication of the decisions of the Supreme Court made under this Constitution.

Mr. SLOAN introduced the following resolution, which was read the first time and referred to the Committee on Judicial Department:

RESOLUTION FOR THE REMOVAL OF ALL CAUSES BY THE GENERAL ASSEMBLY TO THE COURTS CREATED BY THE CONSTITUTION.

Be it resolved and ordained by the people of the State of South Carolina, in convention assembled, and by the authority of the same, That the following provisions shall constitute Section — of Article — of the Constitution of this State:

"The General Assembly shall provide for the removal of all causes which may be pending when this Constitution goes into effect to the Courts created by the same."

Mr. BUIST introduced the following resolution, which was read the first time and referred to the Committee on Legislative Department:

RESOLUTION FORBIDDING THE GENERAL ASSEMBLY TO DONATE THE PROPERTY OF THE STATE TO PRIVATE CORPORATIONS OR INDIVIDUALS.

Resolved by the people of South Carolina, in convention assembled, That all lands belonging to, or under the control of the State, shall never be donated directly or indirectly to private corporations or individuals, or to railroad companies. Nor shall such land be sold to corporations or associations for a less price than that for which it is subject to sale to individuals.

This, however, shall not prevent the General Assembly from granting a right of way, not exceeding one hundred feet in width, as a mere easement

to railroads across State land, and the General Assembly shall never dispose of the land covered by said right of way so long as such easement exists.

Mr. TAYLOR introduced the following resolution, which was read the first time and referred to the Committee on Legislative Department :

RESOLUTION TO PROHIBIT THE INTERMARRIAGE OF WHITE PERSONS WITH NEGROES, MULATTOES, OR PERSONS OF MIXED BLOOD DESCENDED FROM A NEGRO.

Be it resolved by the people of South Carolina, in convention assembled, and by the authority of the same, That the following be adopted as Section —— and Article —— of the State Constitution :

"Section 1. The intermarriage of white persons with negroes, mulattoes, or persons of mixed blood, descended from a negro, is prohibited in this State. The Legislature shall enforce this Section by appropriate legislation."

Mr. ALEXANDER introduced the following resolution, which was read the first time and referred to the Committee on Miscellaneous Matters:

A RESOLUTION TO PROHIBIT THE SALE OF PRODUCTS OF PUBLIC INSTITUTIONS IN THE MARKETS OF THIS STATE.

Be it resolved and ordained by the people, in convention assembled, and by the authority of the same :

1. That all charitable, penal and other institutions kept up by taxation in this State be, and the same are hereby, prohibited and forbidden to exhibit or offer for sale in any of the markets of this State any of the products thereof.

Mr. BUIST introduced the following resolution, which was read the first time and referred to the Committee on Legislative Department :

RESOLUTION FORBIDDING THE PAYMENT OF SALARIES BEYOND THE DATE OF THE DEATH OF ANY OFFICER OF THIS STATE.

Resolved by the people of South Carolina, in convention assembled, That the General Assembly shall not authorize payment to any person of the salary of a deceased officer beyond the date of his death.

Mr. RUSSELL introduced the following resolution, which was read the first time and referred to the Committee on Executive Department :

AMENDMENT TO CONSTITUTION, ARTICLE III, SECTION 2, AND ALSO ARTICLE IV, SECTION 27.

ARTICLE III.

Section 2. The Governor shall be elected by the electors duly qualified to vote for members of the House of Representatives, and shall hold his office for four years, and shall be ineligible for re-election.

ARTICLE IV.

Section 27. There shall be elected in each County, by the electors thereof, of, one Clerk for the Court of Common Pleas, who shall hold his office for four years, and until his successor shall be elected and qualified, and he shall not be eligible to re-election beyond his second term. But he may be eligible after omitting one term. And the same rule as to the length of the term of office and as to eligibility shall apply to all other County officers, whether provided for in this Constitution or under laws enacted in pursuance of it.

Mr. SMOAK introduced the following resolution, which was read the first time and referred to the Committee on Legislative Department:

A RESOLUTION TO PROHIBIT MEMBERS OF THE LEGISLATURE FROM VOTING ON MEASURES OR BILLS IN WHICH THEY HAVE A PERSONAL INTEREST.

A member of the General Assembly who has a personal or private interest in any measure or bill proposed or pending before the General Assembly shall disclose the fact to the House of which he is a member, and shall not vote thereon.

Mr. TIMMERMAN introduced the following resolution, which was read the first time and referred to the Committee on Finance and Taxation:

AN ORDINANCE TO PENSION CERTAIN CONFEDERATE SOLDIERS.

Be it resolved and ordained by the people of South Carolina, in convention assembled, and by the authority of the same, That all soldiers who did service as soldiers in the Confederate army from the State of South Carolina and who lost a limb or an eye or both in said service shall receive an annual pension of seventy-five dollars; and that the General Assembly be, and is hereby, required to provide for the carrying out of the same.

The PRESIDENT submitted the following communication to the Convention, which was read the first time and referred to the Committee on Charitable and Penal Institutions:

CHARLESTON REFORMATORY SCHOOL.

L. W. JENKINS, *President.* W. J. SMITH, *Secretary.*

CHARLESTON, S. C., Sept. 10, 1895.

To the Honorable the Constitutional Convention of South Carolina, in Convention Assembled:

The undersigned petitioners, residents and tax payers of the State of South Carolina, respectfully represent that they are engaged in the establishment of a Reformatory School for colored boys and girls in the city of Charleston, State of South Carolina.

Feeling and knowing that the success of such an institution depends upon the approval of the citizens of the State in which it is located, they most respectfully make application and solicit your attention to this worthy object, and that they, your petitioners, fully believe that such action on your part would be in favor of the best interest of the city of Charleston, and of the State of South Carolina, and would be in complete accord with the will of the people; and your petitioners as in duty bound, will ever pray, etc.

L. W. JENKINS.
J. G. HOLMES.
GEO. W. CURTIS.
W. J. SMITH.
R. W. HOLMAN.

Mr. R. F. SMITH introduced the following ordinance, which was read the first time, and referred to the Committee on Judicial Department:

AN ORDINANCE PROVIDING FOR KEEPING RECORD OF MARRIAGES.

Be it ordained by the people of South Carolina, in convention assembled, and by the authority of the same, That the Legislature shall, at its first session after the adoption of this Constitution, provide suitable laws to secure the keeping of a record of all marriages hereafter solemnized in this State.

Mr. BELLINGER introduced the following resolution, which was read the first time, and referred to the Committee on Corporations:

RESOLUTION RELATING TO THE CHARTERS OF BANKING CORPORATIONS.

We, the people of the State of South Carolina, in convention assembled, do ordain:

That no charter shall be granted for banking purposes, nor to renew any banking corporations now in existence, except upon the condition that said banking institution or corporation shall forfeit its charter should it at any time violate any provisions of the usury laws of this State; and it shall be the duty of the Attorney General and each of the State's attorneys to institute proceedings to enforce this forfeiture whenever the facts justifying it are made known to them.

Mr. SLOAN introduced the following resolution, which was read the first time and referred to the Committee on Finance and Taxation:

RESOLUTION AS TO THE ESTABLISHMENT AND ADJUSTMENT OF CLAIMS AGAINST THE STATE.

Be it resolved and ordained by the people of the State of South Carolina, in convention assembled, and by the authority of the same, That the following provisions shall constitute Section —— of Article —— of the Constitution of this State:

The General Assembly shall direct by law the manner in which claims against the State may be established and adjusted.

Mr. SLOAN introduced the following resolution, which was read the first time, and referred to the Committee on Legislative Department:

RESOLUTION AS TO THE PRINTING OF THE LAWS, JOURNALS, BILLS AND LEGISLATIVE DOCUMENTS AND PAPERS FOR EACH BRANCH OF THE GENERAL ASSEMBLY.

Be it resolved and ordained by the people of the State of South Carolina, in convention assembled, and by the authority of the same, That the following provisions shall constitute Section —— of Article —— of the Constitution of this State:

The printing of the laws, journals, bills, legislative documents, and papers for each branch of the General Assembly, with the printing required for all the departments of the State, shall be let, on contract, to the lowest and most responsible bidder, in such manner as shall be prescribed by law.

Mr DUDLEY introduced the following ordinance, which was read the first time and referred to the Committee on Judicial Department:

AN ORDINANCE TO PROVIDE A SUPREME COURT AND MANNER OF ELECTION.

We, the people of the State of South Carolina, in convention met, do ordain:

1. That the Supreme Court shall consist of one Chief Justice and three Associate Justices, to be elected by the General Assembly.

2. That the members of said Court shall hold their offices for the term of eight years from the date of election and qualification.

3. That the opinion of the Circuit Judge who has tried the case appealed shall, in case of an equal division of the Supreme Court, determine the decision of the Court.

4. At the expiration of eight years of service the members of such Court shall be eligible to election for life.

5. No Supreme Court Judge shall exercise the functions of his office after he attains the age of seventy-five years.

6. The General Assembly may provide a pension for such retired member, if in need, not to exceed one-fourth of the yearly pay of an active member of said Court.

Mr. PARLER introduced the following ordinance, which was read the first time and referred to the Committee on Rights of Suffrage:

AN ORDINANCE RELATING TO SUFFRAGE.

Be it ordained by the people of the State of South Carolina, in convention assembled, and by authority of the same:

1st. All the elections of the people shall be by ballot.

2nd. Every male inhabitant of the State of South Carolina of the age of twenty-one years and upwards shall be entitled the right to vote.

3rd. Every female inhabitant of the State of South Carolina of the age of twenty-one years and upwards, who own in their own right property to the value of three hundred dollars and who are possessed of sufficient education so as to read the Constitution of South Carolina as a whole or in part and can write their names, shall be possessed of the right of registration and of selecting an agent, with written authority, to cast their ballot at all elections held by the people.

4th. No person shall be registered as an elector or allowed to vote who is of unsound mind, or who has been or may be convicted in any Court of treason, theft, arson, perjury, forgery, murder, bigamy or obtaining goods under false pretenses, and who has not paid the poll taxes due by him for the two years preceding such registration, and an exhibit of such tax receipt shall be necessary in order to register.

5th. No person shall be registered or allowed to vote unless they have been a resident of the State of South Carolina two years, the County one year and the election precinct in which he offers to vote six months preceding the next election to be held.

6th. Nothing in this ordinance shall be so construed so as to require any female elector to do any public duty.

7th. The Legislature shall, at its next session, enact such law as will insure a proper and honest registration of all entitled to the right to vote under this ordinance.

Mr. TAYLOR introduced the following resolution, which was read the first time and referred to the Committee on Rights of Suffrage:

RESOLUTION RELATING TO THE QUALIFICATION FOR OFFICE.

Be it resolved by the people of South Carolina, in convention assembled, and by authority of the same, that the following be adopted as Section ——, Article ——, of the State Constitution:

Section 1. No person who denies the being of God, or a future state of reward and punishment, shall hold any office in the civil department of this State.

Mr. SMOAK introduced the following resolution, which was read the first time and referred to the Committee on Executive Department:

A RESOLUTION TO DEFINE THE CONDITIONS OF EXECUTIVE PARDONS.

Pardons in cases of murder, arson, burglary, rape, assault with attempt to commit rape, bribery and larceny, shall not relieve from civil and political disability; but the person so pardoned may, at the expiration of five years, be restored to his forfeited privileges by a two-third vote of the General Assembly, provided he prove conclusively that his life and conduct has been exemplary during that period.

Mr. SMALLS introduced the following resolution, which was read the first time and referred to the Committee on Rights of Suffrage:

ORDINANCE TO REGULATE THE RIGHT OF SUFFRAGE.

We, the people of South Carolina, by our delegates in convention assembled, do hereby declare and ordain:

Section 1. In all elections by the people, the electors shall vote by ballot.

Section 2. Every male citizen of the United States, of the age of twenty-one years and upwards, not laboring under the disabilities named in this Constitution, without distinction of race, color, or former condition, who shall be a resident of this State at the time of the adoption of this Constitution, or who shall thereafter reside in this State one year, and in the County in which he offers to vote sixty days next preceding any election, shall be entitled to vote for all officers that are now, or hereafter may be, elected by the people, and upon all questions submitted to the electors at any elections: *Provided*, That no person shall be allowed to vote or hold office who is now, or hereafter may be, disqualified therefor by the Constitution of the United States, until such disqualification shall be removed by the Congress of the United States: *Provided, further*, That no person while kept in any alms house or asylum, or of unsound mind, or confined in any public prison, shall be allowed to vote or hold office.

Section 3. It shall be the duty of the General Assembly to provide from time to time, for the registration of all electors.

Section 4. For the purpose of voting, no person shall be deemed to have lost his residence by reason of absence while employed in the service of the United States, nor while engaged upon the waters of this State, or the United States, or the high seas, nor while temporarily absent from the State, or removing from one house to another, or from one place to another in the same precinct.

Sec. 5. No soldier, seaman or marine in the army or navy of the United shall be deemed a resident of this State in consequence of having been stationed therein.

Sec. 6. Electors shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest and civil process during attendance at elections, and in going to and return from the same.

Sec. 7. Every person entitled to vote at any election shall be eligible to any office which now is or hereafter shall be elective by the people in the County where he shall have resided sixty days previous to such election, except as otherwise provided in this Constitution or the Constitution and laws of the United States.

Sec. 8. The General Assembly shall never pass any law that will deprive any of the citizens of this State of the right of suffrage, except for treason, murder, robbery or dueling, whereof the persons shall have been duly tried and convicted.

Sec. 9. Presidential electors shall be elected by the people.

Sec. 10. In all elections, State and Federal, there shall be but one ballot box, and one ticket for each party or faction thereof, with the names of all the candidates thereon. There shall be three Commissioners of Election for each County, and three Managers for each polling precinct, not more than two of whom shall be of the same political party.

Sec. 11. In all elections held by the people under this Constitution, the person or persons who shall receive the highest number of votes shall be declared elected.

GENERAL ORDERS AND RESOLUTIONS.

SECOND READING ORDINANCES.

Mr. D. S. HENDERSON moved the following:

Resolved, That Nos. 5, 6 and 7 of General Orders be recommitted to the committee reporting same, to be reported when they report an Article of the Constitution.

Which was agreed to.

THIRD READING ORDINANCES.

No. 1. Report of committee on new County, to be called Saluda County.

Mr. B. R. TILLMAN moved to amend the ordinance by striking out the word "Butler" wherever it occurs in the title or body of the ordinance and inserting the word "Saluda" in lieu thereof.

After debate, participated in by Messrs. B. R. Tillman, Irby, Stanyarne Wilson, George Johnstone, G. D. Tillman, Behre, Talbert, Watson, Moore and Timmerman, Mr. Stanyarne Wilson moved to indefinitely postpone the whole matter; upon which the yeas and nays were called.

The question being put: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 58; nays, 84.

Those who voted in the affirmative are:

Yeas—Messrs. Ashe, Atkinson, Barry, Bates, Behre, Berry, Bobo, J. S. Brice, Bryan, Burn, Carver, Cunningham, Douglass, Doyle, Ellerbe, Fitch, Fraser, Gage, Gary, J. L. Glenn, Graham, Hamel, Haynsworth, Hemphill, Henry, Houser, Howell, T. E. Johnson, Wilie Jones, E. J. Kennedy, Lee, McDermotte, McGowan, Meares, Mitchell, Nash, Nicholson, Parler, Patton, Peake, Perritte, Redfearn, I. R. Reed, Rogers, Rowland, Smalls, A. J. Smith, R. F. Smith, Smoke, Stackhouse, Stribling, Taylor, Waters, Whipper, A. H. White, Wigg, Stanyarne Wilson and W. B. Wilson—58.

Those who voted in the negative are:

Nays—Hon. Jno. Gary Evans, President, and Messrs. Aldrich, Alexander, Anderson, Austin, Barton, Bellinger, Bowman, Bradham, Breazeale, T. W. Brice, Buist, Byrd, Cantey, Clayton, Cooper, DeHay, Dennis, Dent, Derham, Dudley, Efird, Estridge, W. D. Evans, Farrow, Field, Floyd, Gamble, Garris, J. P. Glenn, Gooding, Gray, Gunter, Harris, Harrison, D. S. Henderson, Wm. Henderson, Hiers, Hodges, Irby, George Johnstone, Ira B. Jones, Keitt, J. W. Kennedy, Lowman, McCown, McKagen, McMahan, McMakin, McWhite, Matthews, Miller, Moore, Morrison, Mower, Murray, Nathans, Oliver, Otts, Parrott, Patterson, Prince, Ragsdale, Rosborough, Russell, Sheppard, Shuler, Singletary, Sloan, Jeremiah Smith, W. C. Smith, Sprott, Stokes, Sullivan, Talbert, B. R. Tillman, G. D. Tillman, Timmerman, Watson, Wells, Wharton, S. E. White, Wiggins, Winkler and Woodward—85.

So the Convention refused to indefinitely postpone the ordinance.

Mr. HAYNSWORTH asked and obtained leave of absence for himself and Mr. McMahan for the balance of the day to attend the funeral of a relative.

Mr. PATTERSON moved the previous question, which was duly seconded.

The question being the motion of Mr. B. R. Tillman to strike out "Butler" wherever it occurs in the body or title of the resolution and insert the word "Saluda" in lieu thereof. This being duly seconded, the yeas and nays were demanded.

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows:

Yeas, 80; nays, 54.

Those who voted in the affirmative are:

Yeas—Hon. Jno. Gary Evans, President, and Messrs. Alexander, Austin, Barton, Behre, Bellinger, Bobo, Bowman, Bradham, Breazeale, Buist, Byrd, Cantey, Clayton, Cooper, Cunningham, DeHay, Dennis, Dent, Douglass, Dudley, Efird, Estridge, W. D. Evans, Field, Floyd, Gamble, Garris, Gary, J. P. Glenn, Gooding, Graham, Gunter, Hamel, Harris, Harrison, Hemphill, Wm. Henderson, Henry, Hiers, Hodges, Houser, T. E. Johnson, Keitt, J. W. Kennedy, Lowman, McCown, McKagen, McMakin, McWhite, Matthews, Moore, Morrison, Murray, Nicholson, Oliver, Otts, Parrott, Patterson, Prince, Redfearn, Russell, Shuler, Singletary, W. C. Smith, Smoke, Sprott, Stackhouse, Stokes, Stribling, Talbert, Taylor, B. R. Tillman, Timmerman, Watson, Wells, Whipper, Wiggins, Winkler and Woodward.—80.

Those who voted in the negative are:

Nays—Messrs. Aldrich, Anderson, Atkinson, Barry, Bates, Berry, J. S. Brice, T. W. Brice, Burn, Carver, Derham, Doyle, Ellerbe, Farrow, Fraser, Gage, J. L. Glenn, Gray, Howell, Irby, George Johnstone, Ira B. Jones, Wilie Jones, E. J. Kennedy, Lee, McCaslan, McGowan, Meares, Miller, Mower, Nash, Parler, Patton, Peake, Ragsdale, I. R. Reed, Rogers, Rosborough, Rowland, Sheppard, Sloan, Smalls, A. J. Smith, Jeremiah Smith, R. F. Smith, Sullivan, G. D. Tillman, Waters, Wharton, A. H. White, S. E. White, Wigg, Stanyarne Wilson and W. B. Wilson.—54.

So the Convention agreed to the amendment proposed by Mr. B. R. Tillman.

Mr. PATTERSON moved to reconsider the vote whereby the Convention agreed to the amendment, and to lay that motion on the table; which was agreed to.

Mr. TIMMERMAN moved to amend as follows: Add after the name "Stevens," on the eighteenth line of printed Bill, the names: James P. Bean, C. P. Boozer, John R. Watson, and J. B. Suddath; which was agreed to.

The ordinance, as amended, was read the third time.

The question being put: "Shall this ordinance be adopted?" it was decided in the affirmative, the ordinance was then referred to the Committee on Order, Style and Revision.

On motion of Mr. IRBY, at 4:15 P. M. the Convention adjourned until 11 A. M. to-morrow.

SEVENTH DAY.

Tuesday, September 17, 1895.

The Convention assembled at 11 o'clock A. M.

The Secretary called the roll.

The PRESIDENT took the chair.

A quorum being present, the deliberations were opened with prayer by the Rev. Mr. PARROTT.

The Journal of yesterday's proceedings was read and confirmed.

APPOINTMENTS.

The PRESIDENT appointed Mr. Henry as one of the Committee on Suffrage, also as one of the Committee on Counties and County Government.

The PRESIDENT proceeded to call by Counties for Memorials, Resolutions and such like papers.

On motion of Mr. GEO. JOHNSTONE, the call by Counties was dispensed with.

Mr. S. E. WHITE introduced the following resolution, which was read the first time and referred to the Committee on Counties and County Government:

RESOLUTION CHANGING NAMES OF JUDICIAL DIVISION FROM COUNTIES TO DISTRICTS.

LEGISLATIVE DEPARTMENT.—ARTICLE 2, SECTION 3.

Be it resolved and ordained by the people of South Carolina, in convention assembled, and by the authority of the same, That the following provisions shall constitute Section —— of Article —— of the Constitution of the State:

The judicial divisions and election districts heretofore known as Counties shall hereafter be designated and known as Districts.

Mr. CLAYTON introduced the following resolution, which was read the first time and referred to Committee on Judicial Department:

ARTICLE ——

THE JUDICIAL DEPARTMENT, SO FAR AS THE SAME RELATES TO THE COURTS OF THIS STATE.

Section 1. The judicial power of this State shall be vested in a Supreme Court, a Court of Common Pleas having civil jurisdiction, and a Court of General Sessions having criminal jurisdiction only, a County Court having limited jurisdiction both civil and criminal, Justices of the Peace, and such municipal courts as the Legislature may think proper to establish.

Section 2. The Supreme Court shall consist of a Chief Justice and two Associate Justices, any two of whom shall constitute a quorum. They shall be elected by the joint vote of the General Assembly for the term of six years, and shall be so classified that one of the Justices shall go out of office every two years.

Section 3. The Supreme Court shall have appellate jurisdiction only in cases of chancery, and shall constitute a court for the correction of errors at law, under such regulations as the General Assembly may by law prescribe: *Provided*, The said Court shall always have power to issue writs of injunction, mandamus, quo warranto, habeas corpus, and such other original and remedial writs as may be necessary to give it a general supervisory control over all other courts of the State.

Section 4. The Supreme Court shall be held at least twice in each year at the seat of government.

Section 5. No Judge shall preside in the trial of any cause in the event of which he is interested, has been of counsel, or is connected with either party, by affinity or consanguinity within such degrees as may be prescribed by law; and in case any or all of the Judges are disqualified from presiding in any cause or causes, the Court or the Judges thereof shall certify the same to the Governor of the State, who shall at once commission, specially, the requisite number of men learned in the law for the trial and determination thereof. The same course shall be pursued in the Circuit and County Courts as is prescribed in this Section for cases of the Supreme Court.

Section 6. The Judges of the Supreme Court shall appoint a Reporter and Clerk for said Court, who shall hold office for two years, and receive such compensation and perform such duties as shall be prescribed by law.

Section 7. When a judgment or decree is reversed or affirmed by the Supreme Court, every point made and distinctly stated in writing in the cause, and fairly arising upon the record of the case, shall be considered and decided, and the reasons therefor shall be concisely and briefly stated in writing and presented with the records of the case.

Section 8. The Judges of the Supreme Court and the Circuit Courts shall at stated times receive for their services a compensation to be fixed by law, which shall not be diminished during their term of office. They shall not be allowed fees or perquisites, and shall hold no other office of profit or trust under this State or the United States.

Section 9. No person shall be eligable to the office of Judge of the Supreme Court or Circuit Courts who is not at the time of his election a citizen of the United States, and a qualified voter under the law of this State, and has not attained the age of thirty-five years, and have practiced law for ten years.

Section 10. Vacancies in the office of Judges of the Supreme Court, and of the other Courts provided herein, shall be filled by elections herein provided, unless the unexpired term is less than one year, when they may be filled by Executive appointment. All Judges are, by virtue of their offices, conservators of the peace.

Section 11. In all cases decided by the Supreme Court a concurrence of two of the Judges shall be necessary to a decision.

Section 12. The State shall be divided into convenient Circuits, and for each Circuit a Judge shall be elected by a joint ballot of the General Assembly, who shall hold his office for a term of four years, and during his continuance in office he shall reside in the Circuit in which he is Judge.

Section 13. Judges of the Circuit Courts shall interchange Circuits with each other in such manner as may be determined by law.

Section 14. The Courts of Common Pleas shall have exclusive original jurisdiction in all civil cases and actions *ex delicto* which shall not be cognizable before the County Courts and Justices of the Peace, and appellate jurisdiction in all such cases as may be provided by law. They shall have power to issue writs of mandamus, prohibition, *scire facias*, and all other writs which may be necessary for carrying their powers fully into effect.

Section 15. The Court of Common Pleas shall sit in each Judicial District in this State at least twice in every year at such times and places as may be appointed by law. It shall have jurisdiction in all matters of equity.

Section 16. It shall be the duty of the Judges of the Supreme and Circuit Courts to file their decisions within sixty days from the last day of the term of Court at which the causes were heard.

Section 17. The Court of General Sessions shall have exclusive jurisdiction of all criminal cases not otherwise provided for by law, and shall sit in each County in the State at least three times during the year.

Section 18. Judges shall not charge juries in respect to matters of fact, but may state the testimony and declare the law.

Section 19. There shall be in each County a County Court, presided over by a Judge to be elected by the qualified voters of the County, and who shall hold his office for the term of four years, and who shall receive such compensation as may be provided by law, and be permitted to practice in the Supreme and Circuit Courts in cases which have not been before his Court.

Section 20. The County Courts shall have jurisdiction in all civil cases and actions *ex delicto* where the amount involved does not exceed the sum of three hundred dollars, and in all matters testamentary and of administration, in business appertaining to minors and the allotment of dower, in cases of lunacy and idiocy and persons *non compos mentis*, and criminal jurisdiction in all misdemeanors.

Section 21. Procedure in the County Courts shall conform as near as possible to that of the Circuit Courts: *Provided*, That the intervention of the grand jury shall not be necessary, and trial juries shall consist of six jurors.

Section 22. The County Court shall hold its sessions every two months in the year for the trial of causes and shall be open at all times in matters heretofore devolving upon the Probate Court and causes in which a jury has been waived.

Section 23. The Clerk of the Circuit Court shall be the Clerk of the County Court.

Section 24. The Sheriff of the County shall attend upon the sessions of the County Courts and serve its process.

Section 25. There shall be in each County a number of Justices of the Peace to be prescribed by law, who shall be appointed by the Governor of the State for a term of two years, and who shall receive such compensation as shall be fixed by the Legislature.

Section 26. The jurisdiction of Justices of the Peace in matters criminal shall be that of a committing officer. They shall issue warrants of arrest, and if upon a probable cause shown shall commit to jail or bind over to the proper Court the parties charged. In matters civil, they may try cases at law where the amount involved does not exceed twenty dollars.

Mr. J. L. GLENN introduced the following resolution, which was read the first time and referred to the Committee on Education :

RESOLUTION PROVIDING FOR LEVYING AND COLLECTING A TAX FOR THE SUPPORT OF PUBLIC SCHOOLS.

Resolved, That the Legislature annually levy a tax, not exceeding two mills, on all the taxable property in the State, for the support and benefit of the Public Schools of the State.

That the Legislature shall provide by law for the collection of said tax.

That the amounts realized from said tax shall be divided among the several school districts in the several Counties in proportion to the amounts paid by the said school districts.

That the funds belonging to the several school districts shall be divided among the schools in said school district by the Trustees of the school district.

That the tax payers of any school district may make an additional levy on the taxable property in their school district for the support of the Public Schools in said district : *Provided*, The same shall never exceed three mills.

That the Legislature shall provide by law for the manner of levying and collecting said additional tax.

Mr. McWHITE introduced the following resolution, which was read the first time and referred to the Committee on Charitable and Penal Institutions :

RESOLUTION TO PROVIDE PUNISHMENTS, PENAL INSTITUTIONS AND PUBLIC CHARITIES.

Resolved, 1st. The following punishments only shall be known to the laws of this State, viz.: Death; imprisonment, with or without hard labor; fines; removal from office; and disqualification to hold and enjoy any office of honor, trust or profit under this State. The foregoing provision for imprisonment with hard labor shall be construed to authorize the employment of such convict labor on public works or highways or other labor for

public benefit, and the farming out thereof where and in such manner as may be provided by law; but no convict shall be farmed out who has been sentenced on a charge of murder, manslaughter, rape, attempt to commit a rape or arson: *Provided*, That no convict whose labor may be farmed out shall be punished for any failure of duty as a laborer except by a responsible officer of the State; but the convicts so farmed out shall be at all times under the supervision and control, as to their government and discipline, of the Penitentiary Board or some officer of the State.

2d. The object of punishment being not only to satisfy justice, but also to reform the offender, and thus prevent crime, murder, arson, burglary and rape, and these only, may be punishable with death if the General Assembly shall so enact.

3d. That the General Assembly shall, at any of its sessions, make ample provision for the support, maintenance, control and improvement of the Penitentiary as now established.

4th. The General Assembly may provide for the erection of houses of correction, where vagrants and persons guilty of misdemeanors shall be restrained and usefully employed.

5th. A house or houses of refuge may be established, whenever the public interest may require it, for the correction and instruction of other classes of offenders.

6th. It shall be required by competent legislation that the structures and superintendence of penal institutions of the State, the County jails and city police prisons, secure the health and comfort of the prisoners, and that male and female prisoners be never confined in the same room or cell.

7th. Beneficent provision for the poor, the unfortunate and orphan being one of the first duties of a civilized and Christian State, the General Assembly shall, at its first session, appoint and define the duties of a Board of Public Charities, to whom shall be intrusted the supervision of all charitable and penal State institutions, and who shall annually report to the Governor upon their condition, with suggestions for their improvement.

8th. There shall also, as soon as practicable, be measures devised by the State for the establishment of one or more orphan houses, where destitute orphans may be cared for, educated and taught some business or trade.

9th. It shall be the duty of the Legislature, as soon as practicable, to devise means for the education of idiots and inebriates.

10th. The General Assembly shall provide that all the deaf mutes, the blind and the insane of the State shall be cared for at the charge of the State.

11th. It shall be steadily in view by the Legislature and the Board of Public Charities that all penal and charitable institutions should be made as nearly self-supporting as is consistent with the purposes of their creation.

Mr. LYBRAND introduced the following resolution, which was read the first time and referred to the Committee on Education:

RESOLUTION PROPOSING AMENDMENT TO ARTICLE X OF THE PRESENT CONSTITUTION, RELATING TO THE PUBLIC SCHOOLS OF THIS STATE.

The supervision of public instruction shall be vested in a State Board of Education, consisting of three members, of which the Comptroller General

shall be Chairman, and the other two members elected by the General Assembly, to serve the same length of time as other State officers provided for in this Constitution. The Chairman shall be director in chief of all the public schools in this State, but he may call the whole Board together at such times as he thinks proper, to hear appeals, to prepare and conduct examinations, etc.: *Provided*, Said Board shall not be in session more than twenty days in any one year. The two elective members shall receive as compensation, for actual services, three dollars per diem and five cents per mile each way.

Section 2. Each County in this State shall have a County Board of Education, composed of the Board of Township Commissioners, of which the County Supervisor shall be Chairman.

Section 3. An annual tax of two (2½) and one-half mills shall be levied on all taxable property in this State for free common schools; also a poll tax of one dollar on every able-bodied male between the ages of 21 and 50 years, except such as are exempt by Act of the Legislature for physical disability; and no other poll tax shall be levied in this State. These taxes shall be levied and collected as well as paid out by the regular constituted officers in the same manner and at the same time as other taxes are levied and collected. In paying said taxes every taxpayer shall have the right to say the particular (free) school which said taxes shall be applied to: *Provided*, No money thus paid shall go out of the school district in which it is paid; and should there be no school in any district, then the funds collected in such district shall go into the general school fund and shall be prorated among all the schools in the County as per the average attendance.

Section 4. The Legislature shall make suitable provision to carry out this Article.

Mr. GOODING introduced the following resolution, which was read the first time and referred to the Committee on Charitable and Penal Institutions :

PROPOSED ARTICLE OF PENAL AND CHARITABLE INSTITUTIONS.

Be it resolved and ordained by the people of the State of South Carolina, in convention assembled, and by the authority of the same, That the following shall form Article——Section——of the Constitution of the State:

Section 1. Institutions for the care of the insane, blind, deaf and dumb, and the poor, shall always be fostered and supported by this State, and shall be subject to such regulations as the General Assembly may direct.

Section 2. The Superintendent of the State Hospital for the Insane, who shall be a physician, and the Regents of said Hospital shall be appointed by the Governor by and with the advice and consent of the Senate. All other physicians, officers and employees of the Hospital shall be appointed by the Regents.

Section 3. The respective Counties of this State shall make such provisions as may be determined by law for all those inhabitants who, by reason of age, infirmities and misfortunes, may have a claim upon the sympathy and aid of society.

Section 4. The Directors of the benevolent and other State institutions, which may be hereafter created shall be appointed by the Governor by and with the advice and consent of the Senate.

Section 5. It shall be the duty of the General Assembly at its next session to create a Board of Public Charities, to whom shall be intrusted the supervision of all charitable and penal State institutions, including County and municipal prisons and jails. Said Board of Charities to report to the Governor annually as to their condition with suggestions for their improvement.

Mr. W. B. WILSON introduced the following resolution, which was read the first time and referred to the Committee on Suffrage:

A RESOLUTION REGULATING THE RIGHT OF SUFFRAGE.

Be it resolved and ordained by the people of the State of South Carolina, in Convention assembled, and by the authority of the same, That the following provisions shall constitute Section ——— of Article ——— of the Constitution of said State:

ARTICLE —.

Section 1. In all elections by the people the electors shall vote by ballot.

Section 2. Every male inhabitant of this State, except idiots, insane persons and Indians not taxed, who is a citizen of the United States, twenty-one years old, who has resided in this State one year, and in the County in which he offers to vote six months, and who is duly registered as provided in this Article, and who has never been convicted of bribery, burglary, arson, larceny, obtaining money or goods under false pretenses, perjury, forgery, embezzlement or bigamy, and who has paid for the preceding fiscal year all poll and other taxes which may have been legally required of him, and which he has had an opportunity of paying according to law, and who shall produce satisfactory evidence to the officers holding the election that he has paid said taxes, and who, in addition to the foregoing qualifications, shall be able to read any Section of the Constitution of this State submitted to him, or shall be able to understand or give a reasonable interpretation thereof when read to him, or who for the preceding fiscal year has, for himself, or as guardian, trustee or husband, returned and paid taxes to the State on property to the value of five hundred dollars, is declared to be a qualified elector.

Section 3. The Legislature shall provide by law for the registration of all persons entitled to vote at any election, and no one shall be allowed to vote at any election who has not been duly registered under the Constitution and laws of this State by an officer or officers of the State legally authorized to register the voters thereof.

Section 4. Suitable remedies, by appeal or otherwise, shall be provided by law to correct illegal or improper registration, and to secure the elective franchise to those who may be illegally or improperly denied the same.

Section 5. There shall be provided separate and distinct ballots and ballot boxes at all elections for the following offices, to wit:

1. Governor and Lieutenant-Governor.
2. Other State officers.

3. Circuit Solicitor.
4. State Senator.
5. Members of the House of Representatives.
6. County officers.
7. Representatives in Congress.
8. Presidential electors.

On which ballots shall be the name or names of the person or persons voted for as such officers, respectively, and the office for which they are voted: *Provided,* That whenever a vote is to be taken on any special question or questions, a separate box shall be provided and properly labeled for that purpose, and the ballots therefor shall be deposited therein.

Section 6. Electors in municipal elections shall possess all the qualifications herein prescribed, and such additional qualifications as may be provided by law.

Section 7. The Legislature shall enact laws to secure fairness and to punish frauds in party primary elections, conventions or other methods of naming party candidates.

Mr. WHARTON introduced the following resolution, which was read the first time and referred to the Committee on Finance and Taxation:

RESOLUTION FOR THE RELIEF OF DISABLED AND AGED CONFEDERATE SOLDIERS AND THEIR WIDOWS.

Resolved, That the General Assembly, at its next session, shall make a permanent appropriation for the disabled and aged Confederate soldiers and their widows.

Mr. SULLIVAN introduced the following resolution, which was read the first time and referred to the Committee on Printing:

RESOLUTION RELATING TO PUBLIC PRINTING AND THE FURNISHING OF SUPPLIES FOR PUBLIC OFFICES, AMENDING ARTICLE XIV, SECTION VII, OF THE PRESENT CONSTITUTION.

Be it resolved by the people of South Carolina, in convention assembled, That the following provision shall constitute Section — of Article — of the Constitution of this State:

All printing, stationery, paper and fuel used in the legislative and other departments of government shall be furnished, and the printing, binding and distributing of the laws, journals, department reports, legislative documents, and all other printing and binding, and the repairing and furnishing the halls and rooms used for the meetings of the General Assembly and its committees, shall be performed under contract, to be given to the lowest responsible bidder, below such maximum price and under such regulations as shall be prescribed by law. No member or officer of any department of the government shall be in any way interested in such contracts; and all

such contracts shall be subject to the approval of the Governor and State Treasurer.

Mr. BUIST introduced the following resolution, which was read the first time and referred to the Committee on Finance and Taxation :

RESOLUTION TO AMEND ARTICLE X OF THE CONSTITUTION OF THIS STATE, PROHIBITING THE PROPERTY OR CREDIT OF THE STATE, OF ANY COUNTY, CITY, TOWN, TOWNSHIP, SCHOOL DISTRICT, FROM BEING DONATED, LOANED, &c., TO DENOMINATIONAL INSTITUTIONS.

Resolved by the State of South Carolina, in convention assembled, That the property or credit of the State of South Carolina, or of any County, city, town, township, school district or other subdivision of the said State, or any public money, from whatever source derived, shall not, by gift, donation, loan, contract, appropriation or otherwise, be used, directly or indirectly, in aid or maintenance of any college, school, orphan house or other institution, society or organization, of whatever kind, which is wholly or in part under the direction or control of any church, or of any religious or sectarian denomination, society or organization.

Mr. I. R. REED introduced the following resolution, which was read the first time and referred to the Committee on Declaration of Rights :

RESOLUTION FOR THE PROTECTION OF PERSONS CHARGED WITH CRIMES AND MISDEMEANORS.

Be it resolved and ordained by the people of the State of South Carolina, in convention assembled, and by the authority of the same, That the following provisions shall constitute Section —— of Article —— of the Constitution of this State:

Section —. That the Governor of this State is hereby empowered and required to suspend or remove from office any Sheriff, Deputy Sheriff, Jailor or Constable who allows or suffers any person charged with a crime or misdemeanor to receive any personal injury from any source whatever, except by due course of law, while in the custody of any one or more of them.

Section —. That the Governor of this State is hereby empowered and required to call out and send one or more companies of the militia of this State to the assistance of any Sheriff, Deputy Sheriff, Jailor or Constable when the emergency demands or on information and belief that violence is threatened against a prisoner or any one or more of the above named officers having a prisoner in custody.

Section —. That the Governor of this State is hereby empowered and required to appoint, forthwith, any person to take the place or office of such Sheriff, Deputy Sheriff, Jailor or Constable suspended or removed as aforesaid, whose term of office shall be until such suspension is removed or removal restored, and whose fee or compensation shall be such as are regulated by the Legislature of this State.

Mr. OTTS introduced the following resolution, which was read the first time and referred to the Committee on Counties and County Government:

ARTICLE —.

Be it ordained by the people, in convention assembled:

Section 1. Each organized County shall be a body corporate, with such powers and immunities as shall be established by law. All suits or proceedings by or against a County shall be in the name thereof.

Sec. 2. No organized County shall ever be reduced by the organization of new Counties to less than four hundred square miles. No new County shall be formed containing less than four hundred square miles, or containing less than eight thousand inhabitants, according to the last State or National census, or which returns less than three million dollars worth of taxable property, as shown by the last preceding tax returns, before application for the formation of the proposed new County shall be made, and not then unless a majority of the legal voters of the fractional part of the proposed new County shall each separately vote in favor of the new County.

Sec. 3. Each County shall be divided into townships, and all such townships shall be declared bodies corporate. The townships as they now exist shall be so declared, and such others as the Legislature may hereafter create: *Provided*, That no township shall contain less than twenty-five square miles, and shall be as near square as practical.

Sec. 4. Each County shall elect a County Judge for a term of four years. He shall have jurisdiction in all matters testamentary, dower, partition, homestead, minors, persons *non compotes mentis*, and jurisdiction in all criminal prosecutions below the grade of felony, under such rules and limitations as may be fixed by law; and shall also elect a Sheriff, County Clerk and County Solicitor, for a term of four years, whose respective duties will be prescribed by law.

Sec. 5. A Board of County Supervisors shall be organized in each County, composed of the various Township Chairmen, whose powers and duties shall be prescribed by law.

Sec. 6. There shall be in each township five Directors, to be elected or appointed, as the law may direct, one of whom shall be a committing Magistrate, who shall be ex-officio Chairman of the Board of Township Directors. Said Directors shall have general control of the roads, bridges schools, and the general welfare of their respective townships, under such limitations as may be prescribed by law. But no tax levy made by such Directors shall be legal unless ten days' public notice of such levy shall be given, and not then unless said levy shall be ratified by a majority of the legal voters of such township.

Mr. TIMMERMAN introduced the following resolution, which was read the first time and referred to the Committee on County and County Government:

AN ORDINANCE TO EMPOWER AND AUTHORIZE THE GENERAL ASSEMBLY TO CHANGE COUNTY LINES.

Be it resolved and ordained by the people of the State of South Carolina, in convention assembled, That the General Assembly shall have power and authority to change the lines of any County, including Saluda, as the exigencies of the case may require: *Provided*, That no County shall be reduced thereby below the area fixed by the Constitution.

Mr. CLAYTON introduced the following resolution, which was read the first time and referred to the Committee on Charitable and Penal Institutions:

RESOLUTION TO REGULATE THE WORKING OF CONVICTS.

That all convicts sentenced to hard labor by any of the Courts in this State may be employed upon the public works of the State or Counties, and upon the public highways; but in no instance shall they be hired out, or put at such occupation as will compete with honest labor.

Mr. LYBRAND introduced the following resolution, which was read the first time and referred to the Committee on Municipal Corporations and Police Regulations:

A RESOLUTION TO REGULATE THE MANUFACTURE AND SALE OF INTOXICATING LIQUORS.

It shall be unlawful for any person in this State to manufacture, barter or sell intoxicating liquors for private or individual profit. But the State may, in the exercise of its police power, regulate and control, or prohibit, the manufacture and sale of all intoxicating liquors.

Mr. D. S. HENDERSON introduced the following resolution, which was read the first time and referred to the Committee on Finance and Taxation:

AN ORDINANCE TO AUTHORIZE THE ISSUE OF STATE BONDS TO ENABLE THE COUNTIES OF THE STATE TO DO BUSINESS ON A CASH BASIS.

Whereas in most, if not all, of the Counties of the State the taxes are never realized until a year after the levy, and consequently the contracts for ordinary County purposes and for the running of the schools have to be made on a credit instead of a cash basis; and whereas this is an evil which ought to be remedied,

Therefore be it ordained by the people of the State of South Carolina, in convention assembled, and by the authority of the same:

Section 1. That a Commission be, and is hereby, appointed, consisting of his Excellency the Governor, the Comptroller General, and the State Treasurer, whose duty it shall be to ascertain what amount of money would be

necessary to place the various Counties of this State on a cash basis as to their ordinary County and school expenses at the beginning of the next fiscal year.

Section 2. That said Commission when they have ascertained said amount be, and they are hereby, authorized and empowered, in the name of the State, to prepare and have issued coupon bonds payable to bearer, which shall be registered with the State Treasurer, according to the custom in such cases, to the amount necessary to raise the money needed for said purpose and the necessary expenses of floating the bonds; that said bonds shall be in such denominations and due at such times as said Commission may deem expedient and shall draw a rate of interest not to exceed four and one-half per cent per annum. That said bonds when prepared shall be signed by the Governor and Secretary of State, and sealed with the great seal of the State, and the credit of the State is hereby pledged for their payment.

Section 3. That said bonds when so executed and issued shall be sold at not less than par by said Commission, and the money derived therefrom, after paying the expenses of the issuance and sale, shall be paid into the State Treasury; that the same shall be paid out by the State Treasurer to the various County Treasurers of the State as soon as practicable in the amount ascertained by the Commission to be needed by the Counties to run the County and school business on a cash basis, and when so paid said funds shall be subject to the check of the County and school authorities to meet the expenses of the ensuing fiscal year 1895-96.

Section 4. That the General Assembly at its next session shall authorize a levy for ordinary County and school purposes in their respective Counties, to be collected at the end of the fiscal year 1895-96, to be used for running the Counties on a cash basis during the fiscal year 1896-97.

Section 5. That on and after the time when the State Treasurer shall have paid into the respective County Treasuries the proceeds of the bonds as provided for aforesaid, all contracting officials of their respective Counties, whether for ordinary County expenses or for school purposes, shall be held responsible for all contracts entered into by them over and above the cash they may have to their credit to meet the same, and their official bonds are hereby declared bound for the same.

Section 6. That the said Commission shall report their actings and doings as to said bonds to the next session of the General Assembly; and said General Assembly and its successors be, and is hereby, authorized and required from year to year, according to the length of the issuance of said bonds, to levy upon each County which shall receive the benefit of said fund a suitable amount to repay the amount of the said bonds and the interest thereon to the State, and said funds so received from the various Counties shall be used by the State Treasurer as a sinking fund to pay said bonds under such Act of the General Assembly as may be passed on the subject.

Mr. W. D. EVANS introduced the following resolution, which was read the first time and referred to the Committee on Finance and Taxation :

RESOLUTION ON INCREASE OF BONDED DEBT, STATE, COUNTIES AND MUNICIPALITIES.

No County, municipal corporation, township, or other political subdivision of this State, shall ever increase its bonded debt unless at time of such increase of bonded debt its entire bonded debt (at any time previously created and then existing), together with the said proposed increase of bonded debt, shall, when added together, be less than eight per centum of the value of all taxable property therein as such value is ascertained by the assessment for State taxation. And wherever there shall be several political divisions or public corporations covering, extending over, or overlapping the same territory, or portions thereof, possessing power to levy a tax or contract debt, then each of such political divisions or public corporations shall so exercise its power to increase its debt, under the foregoing eight per centum limitation, that the debt over and upon no territory of this State shall ever be increased unless at time of such increase the sum of the prorated portions of all existing debts of all such political divisions so covering or overlapping said territory for which said territory is liable upon a basis of value of property, added to the prorated portion of such increase for which said territory would be liable upon a basis of value of property, shall, when added together, be less than ten per cent. of the value of all property in said territory as assessed for State taxation.

Mr. ANDERSON introduced the following resolution, which was read the first time and referred to the Committee on Education:

ORDINANCE TO COMPEL CHILDREN BETWEEN CERTAIN AGES TO ATTEND THE PUBLIC SCHOOL.

Be it ordained, That the Legislature, at its next session, pass suitable laws to compel all children between the age of seven and twelve years to attend the public schools, under such penalties as to them may seem proper.

Mr. RUSSELL introduced the following resolution, which was read the first time and referred to the Committee on Suffrage:

AMENDMENT TO THE CONSTITUTION, ARTICLE VIII, SECTIONS 1 AND 2, ON THE RIGHT OF SUFFRAGE.

ARTICLE III.

Section 1. In all elections by the people the electors shall vote by ballot.

Section 2. Every male citizen of the United States of the age of twenty-one years and upward not laboring under the disabilities named in this Constitution, without distinction of race, color or former condition, who shall be a resident of this State at the time of the adoption of this Constitution, or who shall thereafter reside in this State two years and in the County in which he offers to vote twelve months next preceding election, shall be entitled to vote for all officers that are now, or may hereafter be, elected by the people, and upon all questions submitted to the electors at any elections: *Provided*, That no person shall be allowed to vote while kept

in an alms-house or asylum, or of unsound mind, or confined in any public prison, nor any person who has been convicted of murder, treason, robbery, burglary or dueling: *Provided, further,* That no person shall be allowed to vote who cannot read and write any portion of this Constitution in the English language, nor who has not paid his poll-taxes for the two last preceding years, sufficient evidence of which shall be the presentation of the tax receipt to the proper officer provided by law: *And provided, further,* That no person shall be denied the right to vote who has been engaged in any capacity in the land or naval forces of the United States, or of this State, or of any other State, or of the Confederate States, in any of the wars in which this country has been engaged since the Declaration of Independence, nor their male descendants in either the male or female line.

Mr. BUIST introduced the following resolution on September 12th, which was read the first time September 12th and referred to the Committee on Education:

RESOLUTION TO AMEND ARTICLE TEN OF THE PRESENT CONSTITUTION.

Resolved by the people of South Carolina, in convention assembled:

Section 1. That intelligence and virtue being the safeguards of liberty and the bulwark of a free and good government, the State shall ever maintain a general, suitable and efficient system of free schools, whereby all persons in the State between the ages of six and twenty-one years may receive gratuitous instruction, but separate schools shall be provided for the children of African descent.

Mr. McWHITE introduced the following resolution on September 12th, which was read the first time September 12th and referred to the Committee on Education:

RESOLUTION TO PROVIDE A PUBLIC SCHOOL FUND AND THE DISTRIBUTION OF THE SAME, AND TO PROVIDE FOR SEPARATE SCHOOLS.

Resolved, That the General Assembly shall levy, at each regular session after the adoption of this Constitution, an annual tax on all taxable property throughout the State for the support of public schools, which tax shall be collected at the same time and by the same agents as the general State levy, and shall be paid into the Treasury of the State. There shall be assessed on all taxable polls in the State an annual tax of one dollar on each poll, the proceeds of which tax shall be applied to educational purposes. No other poll or capitation tax shall be levied in the State, nor shall the amount assessed on each poll exceed the limit given in this Section. The school tax shall be distributed among the several school districts of the State, each taxpayer designating to what school said fund shall be applied.

No religious sect or sects shall have exclusive right to or control of any part of the school funds of the State, nor shall sectarian principles be taught in the public schools.

That separate schools shall be provided for the white and colored children of the State.

Mr. HEMPHILL asked and obtained leave of absence for his colleague Mr. Gary till Friday next.

Mr. MILLER asked and obtained indefinite leave of absence for his colleague Mr. Wigg on account of sickness.

Mr. HAMEL asked and obtained indefinite leave of absence for his colleague Mr. Ira B. Jones on account of sickness in his family.

Mr. BOWMAN asked and obtained indefinite leave of absence for his colleague Mr. Connor on account of sickness.

Mr. GEO. JOHNSTONE moved that when this Convention adjourn it stands adjourned till 12 M. to-morrow; which was agreed to.

Mr. ALDRICH moved that this Convention do now take a recess till 8 P. M. this day and that permission be given to persons so desiring to address the Convention on the subject of female suffrage.

Mr. TALBERT seconded the motion.

The question being put, it was agreed to.

On motion of Mr. ALDRICH, at 11:40 A. M. the Convention receded from business till 8 P. M. this day.

RECESS.

The PRESIDENT resumed the chair at 8 P. M.

The PRESIDENT addressed the Convention in a few words and then introduced as the first speaker of the evening Miss Laura Clay, of Kentucky, who addressed the Convention.

At the conclusion of her remarks the President introduced Mrs. V. D. Young, of South Carolina, who addressed the Convention.

He then introduced Mrs. Viola Neblett, of South Carolina, who also addressed the Convention.

Mr. McCOWN asked to recur to the morning hour, which was agreed to.

Mr. McCOWN then introduced the following resolution and asked its immediate consideration, which was refused :

Resolved, That it is the sense of this Convention that the Committee on Suffrage and Election shall report a clause in favor of female suffrage.

The resolution was read the first time and referred to the Committee on Suffrage.

Mr. EFIRD introduced on September 11th the following resolution, which was read the first time on September 11th and referred to the Committee on Counties and County Government:

COUNTIES.

Section 1. Each County shall form one election district.

Section 2. The present boundaries of the Counties of the State shall remain as now established until otherwise provided by law.

Section 3. In each County shall be elected, by the qualified electors thereof, on the first Tuesday after the first Monday in November, A. D. 1896, and on the same day in every fourth year thereafter, a Clerk of the Court of Common Pleas and General Sessions, a Sheriff, a County Judge, who shall hold their office for the term of four years and until their successors are elected and qualified, and such other offices as may be provided by law.

Section 4. The Clerk of the Court of Common Pleas and General Sessions shall, by virtue of his office, be the Clerk of all other Courts of Record held therein, but the General Assembly may provide that the Judge of the County Court be his own Clerk. The said Clerk shall also be ex-officio Register of Mesne Conveyance for his County unless otherwise provided by law.

Section 5. The General Assembly shall provide the duties and compensation of all County officers.

Section 6. In case of death, resignation or removal of any County officer or of a vacancy from any other cause, the Governor shall appoint some suitable person to fill out the unexpired term.

COURTS.

Section 7. There shall be established in each County a County Court, with jurisdiction in all matters testamentary and of administration; in business appertaining to minors and the allotment of dower; in cases of idiocy and persons *non compos mentis;* in all criminal misdemeanors; in all matters of contract, debt, fines, forfeitures and damages when the amount involved does not exceed five hundred dollars; in all actions for the partition of real estate only; in actions between landlord and tenant when the title to the land is not in dispute, and such other matters as the General Assembly may designate: *Provided,* That this Court shall not have jurisdiction in actions involving the title to real estate.

Section 8. That a sufficient number of Committing Magistrates may be appointed by the Governor in each for the convenience of the citizens in having criminals apprehended and committed for trial.

NEW COUNTIES.

Section 9. The General Assembly shall provide by general law for organizing new Counties, locating the County seats temporarily, and changing County lines. But no new County shall be formed unless it shall contain

within the limits thereof property of the valuation of two million dollars, as shown by last preceding tax returns, and not then unless the remaining portion of the old County or Counties shall each contain property of at least three millions of dollars of assessments, and no County shall be organized, nor shall any organized County be so reduced, as to contain less than one-sixth part of the inhabitants of the whole State, both to be determined by the last National or State census; and in case any portion of an organized County or Counties is stricken off to form a new County, the new County shall assume and be holden for an equitable proportion of the indebtedness of the County or Counties so reduced. No County shall be divided unless a majority of the qualified electors of the territory proposed to be cut off shall vote in favor of such division.

Section 10. No new County shall be formed of less than four hundred square miles, nor shall any organized County be reduced in area below four hundred square miles, and no County lines shall be run nearer any existing court house than ten miles.

Mr. EFIRD moved that the thanks of this Convention be tendered the ladies who have addressed us this evening, which was agreed to.

The PRESIDENT, on behalf of the Convention, then thanked the ladies for the beautiful and instructive addresses which had been delivered.

Mr. TIMMERMAN asked leave of absence for his colleague, Mr. Watson.

On motion of Mr. STANYARNE WILSON, the Convention adjourned at 10 P. M. until 12 M. to-morrow.

EIGHTH DAY.

Wednesday, September 18, 1895.

The Convention assembled at 12 o'clock M.

The Secretary called the roll.

The PRESIDENT took the chair.

A quorum being present, the deliberations were opened with prayer by the Rev. Mr. PARROTT.

The Journal of yesterday's proceedings was read and confirmed.

APPOINTMENTS.

The PRESIDENT announced the following appointments:

Mr. G. P. Smith, Clerk of the Committee on Declaration of Rights.

Mr. Arthur Harman, Clerk of the Committee on Executive Department.

Mr. G. H. Charles, Clerk of the Committee on Counties and County Government.

Mr. J. W. Wessinger, Clerk of the Committee on Legislative Department.

Mr. W. B. Evans, Clerk of the Committee on Judicial Department.

Mr. Levi David, Clerk of the Committee on Education.

Mr. B. W. Crouch, Clerk of the Committee on Suffrage.

Mr. E. W. Townsend, Clerk of the Committee on Miscellaneous Matters.

Mr. R. L. Freeman, Clerk of the Committee on Finance and Taxation.

The PRESIDENT proceeded to call by Counties for memorials, petitions and such like papers.

On motion of Mr. EFIRD, the call by Counties was dispensed with.

PETITION.

Mr. IRBY presented the following petition, which was read the first time and referred to the Committee on Charitable and Penal Institutions:

A PETITION RELATING TO WORKING CONVICTS FROM THE BOARD OF COUNTY COMMISSIONERS OF LAURENS COUNTY.

LAURENS C. H., S. C., September 16, 1895.

To the Honorable the Constitutional Convention of South Carolina.

We, the undersigned members of the Board of County Commissioners of Laurens County, respectfully petition your honorable body to provide in the Constitution now under consideration by your honorable body for granting, or delegating, authority to the Legislature to enact laws to require all County convicts tried and sentenced by Trial Justice Courts and Municipal Courts to do hard labor on the various County chain gangs

Further, that the Legislature be empowered to enact laws requiring all teams, horses, mules and wagons to be liable to road duty on public highways, the same as hands, when necessary.

And for your favorable consideration your petitioners will ever pray.

(Signed)

R. P. ADAIR.
F. L. MILAM.
JAMES DOWNEY.
G. W. CULBERTSON.
W. H. DRUMMOND.
W. C. CURRY.
J. L. SIMPSON.
R. S. GRIFFIN.
W. E. OWENS.

RESOLUTIONS.

Mr. McMAHAN offered the following resolution, and asked for its immediate consideration :

Resolved, That the Committee on Printing is hereby instructed to engage a Stenographer to preserve a complete record of the proceedings of this Convention, to be filed in the office of the Secretary of State.

Mr. W. D. EVANS moved to lay the resolution on the table, which was agreed to.

Mr. W. J. MONTGOMERY offered the following resolution, and asked for its immediate consideration :

Resolved, That the Chief Clerk of the Engrossing Department be authorized to expend the sum of twenty-five dollars, if so much be necessary, in purchasing stationery for said Department.

The question being put, the resolution was adopted.

Mr. EFIRD introduced the following resolution, which was considered immediately and agreed to :

Resolved, That it is the sense of this Convention, that it is not necessary for Standing Committees to withhold their reports until after the 23d instant, but that they may report as soon as practicable.

Mr. FRASER introduced the following ordinance, which was read the first time and referred to the Committee on Judicial Department :

ORDINANCE TO ESTABLISH A COURT OF ERRORS FOR CONSTITUTIONAL AND OTHER QUESTIONS REFERRED TO IT.

Be it ordained by the people of South Carolina, in convention assembled, That the following shall constitute Section —— of Article —— of the Constitution of this State :

Whenever upon the hearing of any cause or question, either at law or equity, before the Supreme Court it shall appear to the Justices of the same, or any two of them, that there is a question of constitutional law, or of conflict between the Constitution and laws of this State and of the United States, or the duties and obligations of the citizens under the same, it shall be the duty of the Chief Justice, or in his absence for the presiding Associate Justice, to convene a Court of Errors for the determination of the same, which Court shall consist of all the Judges of the Supreme Court and of the Circuit Court, the decision of which Court, or a majority of the Judges sitting in the same, shall be final and conclusive, and the Chief Justice, or in his absence the presiding Associate Justice, shall also convene the said Court of Errors at the request of any two of the Justices

of the Supreme Court for the determination of any other cause or question to be submitted to them, and the decision of said Court, or a majority of the Judges sitting in the same, shall be final and conclusive, and the Chief Justice, or in his absence the presiding Associate Justice, shall preside whenever the Court of Errors shall convene.

Mr. BUIST introduced the following resolution, which was read the first time and referred to the Committee on Miscellaneous Matters :

RESOLUTION TO INSERT IN ARTICLE XIV OF THE CONSTITUTION A PROVISION TO PROHIBIT THE GENERAL ASSEMBLY FROM AUDITING OR ALLOWING ANY PRIVATE CLAIM OR ACCOUNT AGAINST THE STATE OR ANY COUNTY, BUT MAY APPROPRIATE MONEY OR ORDER THE PROPER OFFICER OR OFFICERS TO PAY SUCH CLAIMS AS SHALL HAVE BEEN AUDITED AND ALLOWED ACCORDING TO LAW.

Resolved by the people of South Carolina, in convention assembled, That the following provision shall be inserted in Article Fourteen of the Constitution :

The General Assembly shall neither audit nor allow any private claim or account against the State or any County, but may appropriate money or order the proper officer or officers to pay such claims as shall have been audited and allowed according to law.

Mr. PARLER introduced the following resolutiou, which was read the first time and referred to the Committee on Declaration of Rights :

A RESOLUTION RELATING TO THE RIGHTS OF ACCUSED.

Resolved, No person shall be held to answer for any crime or offense until the same is fully, fairly, plainly, substantially and formally described to him, or be compelled to accuse or furnish evidence against himself ; and every person shall have a right to produce all proofs that may be favorable to him, to meet the witnesses against him face to face, to have a speedy and public trial by an impartial jury, and to be fully heard in his defense by himself or by his counsel, or by both, as he may elect.

Mr. MEARES introduced the following resolution, which was read the first time and referred to the Committee on Declaration of Rights :

RESOLUTION FORMING ARTICLE 1 OF THE CONSTITUTION ON DECLARATION OF RIGHTS.

We, the people of the State of South Carolina, in convention assembled, do ordain and establish this Constitution :

ARTICLE 1.

DECLARATION OF RIGHTS.

Section 1. All political power is vested in and derived from the people only. Therefore they have the right at all times to modify their form of government in such manner as they may deem expedient for the public good.

Section 2. This State shall ever remain a member of the American Union, and all attempts, from whatever source, or upon whatever pretext, to dissolve the Union shall be resisted with the full power of the State.

Section 3. All persons resident in this State, citizens of the United States, are hereby declared to be citizens of this State.

Section 4. Treason against the State shall consist alone in levying war or in giving aid and comfort to enemies against the State.

No person shall be held guilty of treason except upon testimony of at least two witnesses to the same overt act, or upon confession in open court.

Section 5. The right of the people to assemble peaceably and to petition the Government shall never be abridged.

Section 6. No laws shall be enacted to restrain the liberty of speech or of the Press.

In all prosecutions for libel, the truth may be given in evidence, and the jury shall determine the law and the facts under the direction of the Court; and if it shall appear that the matter charged as libellous is true and proper for public information, the jury shall acquit.

Section 7. The people have a right to keep and bear arms for the common defense, or in aid of the civil power, when thereto legally summoned.

As in times of peace armies are dangerous to liberty, they ought not to be maintained without the consent of the General Assembly.

The military power shall be in exact subordination to the civil authority, and be governed by it.

Section 8. There shall not be brought into this State, for the suppression of domestic violence, any armed police force, or detective agency, or armed body, or unarmed body, of men, except upon the application of the Legislature, or of the Executive when the Legislature cannot be convened.

Section 9. The right of trial by jury shall remain inviolate: *Provided*, The Legislature may provide that a less number than the whole of an entire jury may determine its verdict. No person shall be deprived of life, liberty, or property, except by due process of law.

Section 10. Slavery shall never exist in this State; neither shall involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted.

Section 11. No person shall be held to answer for any crime until the same is fully, fairly, plainly, substantially and formally described to him; or be compelled to accuse or furnish evidence against himself. The accused shall have the right to a speedy and public trial by an impartial jury of the County where the offense was committed. He shall have the right to produce all proofs that may be favorable to him, and to be confronted at his trial by the witnesses against him, and to be fully heard in his defense by himself, or by his counsel, or by both, as he may elect.

Section 12. No person shall be arrested, imprisoned, despoiled or dispossessed of his property, immunities or privileges, put out of the protection of the law, exiled, or deprived of his life, liberty or estate, but by the judgment of his peers or the law of the land. And the Legislature shall not enact any law that shall subject any person to punishment without trial by jury; nor shall he be punished but by virtue of a law already established or promulgated prior to the offense and legally applied.

Section 13. No person, after being once acquitted by a jury, shall again, for the same offense, be put in jeopardy of his life or liberty; but there must be an actual acquittal or conviction on the merits to bar another prosecution.

Section 14. All persons have a right to be secure from unreasonable searches or seizures of their persons, houses, papers or possessions. All warrants shall be supported by oath or affirmation, and the order of the warrant to a civil officer to make search or seizure in suspected places, or to arrest suspected persons, or to seize their property, shall be accompanied with a special designation of the persons or objects of search, arrest or seizure; and no warrant shall be issued but in the cases and with the formalities prescribed by the laws.

Section 15. Private property shall not be taken or applied for the public use, or for the use of corporations, or for private use, without the consent of the owner, or a just compensation being made therefor: *Provided*, That laws may be made securing to persons or corporations the right of way over the lands of either persons or corporations, and, for works of internal improvement, the right to establish depots, stations and turnouts; but a just compensation shall in all cases be made to the owner: *And provided*, The question whether the contemplated use be a public one shall be a judicial question, and, as such, determined without regard to legislative assertion that the use is public.

Section 16. The power of suspending the laws, or the execution of the laws, shall never be exercised but by the Legislature, or by authority derived therefrom, to be exercised in such particular cases only as the Legislature shall expressly provide for.

Section 17. No person shall, in any case, be subject to martial law, or to any pains or penalties of that law, except those employed in the army or navy of the United States, and except the militia in active service, but by authority of the Legislature.

Section 18. No person who conscientiously scruples to bear arms shall be compelled so to do; but he shall pay an equivalent for personal service.

Section 19. In time of peace no soldier shall be quartered in any house without the consent of the owner; and in time of war such quarter shall not be made but in a manner prescribed by law.

Section 20. All elections shall be free and open, and every inhabitant of this State possessing the qualifications provided for in this Constitution shall have an equal right to elect officers and be elected to office.

Section 21. The right of suffrage shall be protected by laws regulating elections, and prohibiting, under adequate penalties, all undue influences from power, bribery, tumult or improper conduct.

Section 22. Excessive fines shall not be imposed, nor cruel and unusual punishment inflicted, nor shall witnesses be unreasonably detained.

Section 23. No person shall be elected or appointed to office in this State for life or during good behavior; but the terms of all officers shall be for some specified period.

Section 24. There shall be no imprisonment for debt, except in cases of fraud.

Section 25. The enumeration of rights in this Constitution shall not be construed to impair or deny others retained by the people, and all powers not herein delegated remain with the people.

Mr. WIGG introduced the following ordinance, which was read the first time and referred to the Committee on Finance and Taxation :

AN ORDINANCE TO DIRECT THE COMPTROLLER GENERAL AND ALL PERSONS CHARGED WITH THE COLLECTION OF TAXES TO KEEP SEPARATE ACCOUNTS OF TAXES PAID BY WHITE AND COLORED TAXPAYERS.

Be it ordained by the people of South Caroline, in convention assembled, That the Comptroller General, County Auditors, County Treasurers and all persons charged with the collections of State or municipal taxes be, and are hereby, required to keep separate and distinct accounts of all tax returns, and paid by white and colored taxpayers, and that the same be always open for public inspection.

Mr. FITCH introduced the following resolution, which was read the first time and referred to the Committee on Judicial Department :

RESOLUTION AMENDING ARTICLE IV OF THE CONSTITUTION OF THE STATE AND CREATING COURTS WITH THE JURISDICTION THEREOF.

Be it ordained by the people, in convention assembled, and by the authority of the same, That the following provisions shall constitute Sections ——— of Article —— of the Constitution of the State of South Carolina.

Section 1. The judicial power of the State shall be vested in the Senate sitting as a Court of Impeachment, a Supreme Court, two Circuit Courts, to wit : a Court of Common Pleas having civil jurisdiction and a Court of General Sessions with criminal jurisdiction only, County Courts, Probate Courts, Justice of the Peace, Police Magistrates. The General Assembly may also create and establish such municipal and other inferior courts as may be deemed necessary.

Section 2. The Supreme Court shall consist of a Chief Justice and four Associate Justices, any three of whom shall constitute a quorum. They shall be elected by a joint vote of the General Assembly for the term of (10) ten years, and shall continue in office until their successors shall be elected and qualified. They shall be so classified that one of the Justices shall go out of office every two years.

Section 3. The Supreme Court shall have appellate jurisdiction only in cases of chancery, and shall constitute a Court for the correction of errors at law, under such regulations as the General Assembly may by law prescribe: *Provided,* The said Court or any Justice thereof shall always have

power to issue writs of injunction, mandamus, quo warranto, habeas corpus and such other original and remedial writs as may be necessary to give it a supervisory control over all other Courts in the State: *Provided*, It shall not have jurisdiction in cases where the matter in controversy, exclusive of costs, is less than one hundred dollars in value, except in controversies concerning probate of a will, the appointment or qualification of a personal representative, guardian, committee or curator, or concerning a mill, roadway, ferry or landing, or the right of a corporation or of a County to levy tolls or taxes; and except in cases of habeas corpus, injunction, mandamus or prohibition, or the constitutionality of a law.

Section 4. The Judge of the Supreme Court having the shortest term to serve, not holding his office by appointment, shall be the Chief Justice, and as such preside at all terms of the Supreme Court, and in case of his absence the Judge having in like manner the next shortest term to serve shall preside in his stead.

Section 5. No person shall be eligible to the office of Judge of the Supreme Court unless he shall be at least thirty years of age, and a citizen of the United States, nor unless he shall have resided in this State at least five years next preceding his election and be learned in the laws of the State and a licensed practitioner.

Section 6. At the expiration of eighteen years' service as a Judge of the Supreme Court, or upon a Judge of the Supreme Court attaining the age of seventy years, he shall be allowed to retire; and in such cases the General Assembly shall provide a pension for the retiring member of the Supreme Court not to exceed one-third of the pay of an active member of said Court.

Section 7. The Supreme Court shall be held at least twice in each year at the seat of government and in such other place or places in the State as the General Assembly may direct.

Section 8. When a judgment or decree is reversed or affirmed by the Supreme Court every point made and distinctly stated in writing or printing in the cause and fairly arising upon the record of the case shall be considered and decided and the reasons therefor shall be concisely and briefly stated in writing and preserved with the records of the case.

Section 9. In all cases decided by the Supreme Court a concurrence of three of the Judges shall be necessary to a decision.

Section 10. There shall be appointed by the Judges of the Supreme Court a Clerk of said Court, and also a Reporter, who shall be the librarian of the law library of the State, and shall each hold their office for the term of four years, unless removed by the Judges of the Supreme Court for cause, and their duties and compensation shall be prescribed by law.

Section 11. The State shall be divided into ten or more convenient circuits, and for each circuit a Judge shall be elected by joint ballot of the General Assembly, who shall hold his office for a term of ten years, and during his continuance in office he shall reside in the Circuit of which he is Judge.

Section 12. Judges of the Circuit Court shall interchange circuits with each other in such manner as may be determined by law.

Section 13. The Courts of Common Pleas shall have exclusive original jurisdiction in all matters of equity and in all cases of divorce, and exclusive original jurisdiction in all civil cases and actions *ex delicto* which

are not cognizable before the County Courts and Justices of the Peace; and as to all criminal or civil cases and actions *ex delicto* which shall be cognizable before the County Courts and Justices of the Peace the Courts of Common Pleas shall have concurrent jurisdiction. They shall have appellate jurisdiction in all such cases, civil and criminal, as may be provided by law; they shall have power to issue writs of mandamus, prohibition, *scire facias* and all other writs which may be necessary for carrying their powers fully into effect. They shall sit in each Judicial District in this State at least three times in every year, and at such stated times and places as the General Assembly may direct.

Section 14. The Court of General Sessions shall have exclusive jurisdiction over all criminal cases which shall not be otherwise provided for by law, and concurrent jurisdiction over all criminal cases cognizable before the County Courts. It shall sit in each County in the State at least three times in each year, and at such stated times and places as the General Assembly may direct.

Section 15. There shall be established in each County a County Court, which shall be a Court of Record, open at all times and holden by one Judge elected by the electors of the County, and whose term of office shall be eight years. During their continuance in office they shall reside in their respective Counties.

Section 16. The County Court shall have jurisdiction of civil cases at law to recover personal property or money where the value or amount claimed does not exceed the sum of five hundred dollars; and they shall have jurisdiction of all misdemeanors and felonies where the punishment does not exceed one year's imprisonment or a fine of five hundred dollars or both; but the County Court shall not have jurisdiction in actions in which title to real estate is sought to be recovered or may be drawn in question, nor in actions on mortgages or contracts for the conveyance of real estate.

Section 17. A Court of Probate shall be established in each County, which shall be a Court of Record, open at all times, with jurisdiction in all matters testamentary and of administration, in business appertaining to minors and the allotment of dower, in cases of idiocy and lunacy and persons *non compos mentis*. The Judge of said Court shall be elected by the electors of the respective Counties for the term of eight years, and during their continuance in office they shall reside in their respective Counties.

Section 18. A competent number of Justices of the Peace and Constables shall be chosen in each County by the electors thereof, in such manner as the General Assembly may direct; they shall hold their offices for a term of four years and until their successors are elected and qualified; they shall reside in the County, city or beat for which they are elected, and the Justices of the Peace shall be commissioned by the Governor.

Section 19. Justices of the Peace individually, or two or more of them jointly, as the General Assembly may direct, shall have original jurisdiction in cases of bastardy, and in all matters of contract and actions for the recovery of fines and forfeitures where the amount claimed does not exceed one hundred dollars, and such jurisdiction as may be provided by law in actions *ex delicto* where the damages claimed do not exceed one hundred dollars, and prosecutions for assault and battery and other penal offenses less than felony punishable by fines only.

Section 20. They may also sit as Examining Courts, and commit, discharge or recognize (except in capital cases) persons charged with offenses, subject to such regulations as the General Assembly may provide; they shall also have power to bind over to keep the peace or for good behavior. For the foregoing purposes they shall have power to issue all necessary processes.

Section 21. Every action cognizable before Justices of the Peace, instituted by summons or warrants, shall be brought before some Justice of the Peace in the County or city where the defendant resides, and in all such cases tried by them the right of appeal shall be secured under such rules and regulations as may be provided by law.

Section 22. The Judges of Probate, Justices of the Peace and Constables shall receive for their services such compensation and fees as the General Assembly may from time to time by law direct, and they shall not hold any other office of trust or profit under this State, the United States or any other power.

Section 23. The General Assembly shall have power to provide for creating such Police Magistrates for cities and towns, as may be deemed from time to time necessary or expedient, who shall have jurisdiction only of all cases arising under the ordinances of such cities and towns, respectively.

Section 24. No Judge of any Court shall preside on the trial of any cause in the event of which he may be interested, or where either of the parties shall be connected with him by affinity or consanguinity within such degrees as may be prescribed by law, or in which he may have been counsel, or have presided in any inferior Court, except by consent of all the parties. In case all or any of the Judges of the Supreme Court shall be disqualified from presiding in any cause, or causes, the Court or the Judges thereof shall certify the same to the Governor of the State, and he shall immediately commission, specially, the requisite number of men learned in the law for the trial and determination thereof. The same course shall be pursued in the Circuit and inferior Courts as is prescribed in this Section for cases of the Supreme Court.

Section 25. Judges shall not charge juries in respect to matters of fact, but may state the testimony and declare the law.

Section 26. All vacancies in the Supreme Court, Circuit Courts, or other inferior tribunals, shall be filled by elections, as herein provided: *Provided*, That if the unexpired term does not exceed one year, such vacancy may be filled by Executive appointment. All Judges, by virtue of their office, shall be conservators of the peace throughout the State.

Section 27. The General Assembly shall provide by law for the preservation of the records of the Courts of Equity, and also for the transfer to the Courts of Common Pleas, County Courts, and Probate Courts for final decision of all causes that may remain undetermined. It shall be the duty of the Judges of the Supreme and Circuit Courts to file their decisions within sixty days from the last day of the term of Court at which the causes were heard.

Section 28. The Judges of the Supreme Court, Circuit Courts, and County Courts shall be men learned in the law of the State and licensed practitioners thereof, and shall, at stated times, receive a compensation for their services, to be fixed by law, which shall not be diminished during their contin-

nance in office. They shall not be allowed any fees or perquisites of office, nor shall they hold any other office of trust or profit under this State, the United States, or any other power.

Section 29. There shall be an Attorney General for the State and such Assistant Attorney Generals as the General Assembly may deem necessary, who shall perform such duties as may be prescribed by law. The Attorney General shall be elected by the electors of the State for the term of four years. The Assistant Attorney General or Attorney Generals that may be necessary shall be elected by the General Assembly and shall hold their office for the term of four years. The Attorney General and his assistant or assistants shall receive for their services such compensation as shall be fixed by law.

Section 30. There shall be one Solicitor for each County, who shall reside therein, to be elected by the electors of the County, and shall hold his office for the term of four years, and shall receive for his services such compensation as shall be fixed by law; he shall be the State's Attorney for the Circuit and County Courts. In all cases where an Attorney for the State of any County fails to attend and prosecute according to law, the Court shall have power to appoint an Attorney *pro tempore*.

Section 31. There shall be elected in each County by the electors thereof one Clerk for the Court of Common Pleas, who shall hold his office for the term of four years and until his successor shall be elected and qualified. He shall, by virtue of his office, be Clerk of the County Court, and of all other Courts of record held therein; but the General Assembly may provide by law for the election of a Clerk or Clerks, with a like term of office for each and any other Courts of Record, and may authorize the Judge of the Probate Court to perform the duties of Clerk for his Court under such regulations as the General Assembly may direct. Clerks of Court shall be removable for such cause, and in such manner, as shall be prescribed by law.

Section 32. The electors of each County shall elect a Sheriff and Coroner for a term of four years and until their successors are elected and qualified. They shall reside in their respective Counties during their continuance in office, and be disqualified for the office a second time if it should appear that they, or either of them, are in default for moneys collected by virtue of their respective offices.

Section 33. All writs and processes shall run, and all prosecutions shall be conducted, in the name of the State of South Carolina; all writs shall be attested by the Clerk of the Court from which they shall be issued, and all indictments shall conclude, "Against the peace and dignity of the State."

Section 34. The General Assembly shall provide by law for the speedy publication of the decisions of the Supreme Court made under this Constitution.

Mr. STOKES introduced the following resolution, which was read the first time and referred to the Committee on Corporations:

AN ORDINANCE RELATING TO CORPORATIONS, BEING ARTICLE I OF THE CONSTITUTION.

ARTICLE ——.

CORPORATIONS.

Section 1. The term "corporation," as used in this Article, includes all joint stock companies and associations having powers and privileges not possessed by individuals or partnerships.

TRANSPORTATION AND TRANSMISSION.

Section 2. All corporations engaged in the business of transportation, such as railroads, sleeping car companies, express companies, and all corporations engaged in the transportation of intelligence, such as telegraph and telephone companies, are common carriers; their roadways or tracks are public highways; and their rolling stock or other movable property is personal property.

Section 3. All transporting and transmitting corporations doing business in this State shall maintain at least one agent in this State upon whom process may be served; and at least one office where records for public inspection shall be kept, which records shall show:

(a) The amount of stock subscribed, and by whom.

(b) The amount of stock owned by each stockholder, and by whom.

(c) The amount paid in, and by whom.

(d) The assets and liabilities.

(e) The names and residences of its officers.

Section 4. It shall be unlawful for any transporting or transmitting corporation to discriminate between other corporations or between individuals, or in favor of either, by abatement or drawback or otherwise; and no such corporation, or its lessee, or manager, or employee, shall make preference in furthering cars or messages, or in furnishing motive power. It shall likewise be unlawful for such corporations to grant free passes, or tickets at a rate not common to the public, to members of the General Assembly or to any State, County or municipal officer.

Section 5. No transporting or transmitting corporation, or its lessees, or purchasers, or managers shall consolidate the stock, property or franchises of such corporation with, or lease or purchase the works or franchises of, or in any way control any transporting or transmitting corporation owning, or having under its control, a parallel or competing line. The question whether the lines are parallel or competing shall, when demanded, be determined by a jury as in other civil cases.

BANKING.

Section 6. No banking corporation created under the laws of this State shall issue bills of credit to be circulated as money until such bills shall

have been registered and countersigned by an officer of the State designated by law, and until ample securities, readily convertible into gold and silver, shall have been deposited with the proper State officer, subject to the control of the said officer. Whenever the said securities shall depreciate 10 per cent. below their value at the time a deposit was made, the said banking corporation shall either increase its security by a further deposit, or contract its circulation in proportion to the shrinkage of its securities.

Section 7. This State shall never become a stockholder in any banking corporation; and the credit of the State shall never be given or loaned to any such corporation.

Section 8. No banking corporation shall receive, directly or indirectly, interest at a greater rate than is allowed to an individual; and proof of such overcharge by any banking corporation shall operate to forfeit the charter thereof.

Section 9. No law shall be passed by the General Assembly sanctioning, directly or indirectly, the suspension of specie payment by any person or corporation issuing bank notes of any description.

GENERAL PROVISIONS.

Section 10. The stockholders of all corporations shall be liable individually in an amount equal to the face value of the stock owned by them respectively.

Section 11. Stocks or bonds shall not be issued by any corporation save for labor, or money, or property actually received. All fictitious increase of stock or indebtedness shall be null and void; and no increase of stock shall be made except under general law, by the consent, first obtained, of the stockholders representing a majority of the stock, at a meeting held after sixty days' notice.

Section 12. The General Assembly shall provide by law for the election of directors or trustees by the cumulative plan, that is to say, so that each stockholder shall be allowed to cast in person or by proxy as many votes as the number of shares he owns multiplied by the number of directors or trustees to be elected, the same to be cast for any one candidate or to be distributed among two or more candidates, at the option of the individual stockholder.

Section 13. Corporations shall not engage in any business except that explicitly set forth in their charter; and they shall not hold any real estate except what is necessary in the conduct of their legitimate business after five years from the adoption of this Constitution.

Section 14. It shall be unlawful for any corporation doing business in this State to combine directly or indirectly, or for their trustees, assigns or agents to combine, to fix the price or regulate the production or the consumption of the products of the soil, or of the mines, or of the factories of this State.

Section 15. It shall be unlawful for any person or corporation to require of its servants or employees as a condition of their employment or otherwise any contract or agreement whereby such persons or corporations shall be released or discharged from liability or responsibility on account of personal injuries received by such servant or employee while in the service of

such person or corporation by reason of the negligence of such person or corporation, or the agents or the employees thereof; and such contract shall be null and void. The General Assembly may prescribe the terms and conditions upon which said persons or corporations shall be liable for injuries to their servants or employees.

Section 16. The General Assembly shall provide for the protection of all employees of all corporations doing business in this State from interference with their social, civil and political rights by said corporations, their agents or employees.

Section 17. The General Assembly shall enact laws to prevent all trusts, combinations, contracts and agreements inimical to the public welfare.

Section 18. Corporations shall have the same right to sue and be sued in all courts as enjoyed by individuals; but when choice is made of courts other than those provided for in this Constitution for the trial of issues the charter of the litigant corporation shall be *ipso facto* forfeited in the following cases:

a Whenever the corporation is responsible for said choice.

b Whenever a receiver shall be appointed by any court provided for under this Constitution; and in such cases it shall be the duty of the Attorney-General to see that the affairs of the said corporation are wound up within twelve months thereafter.

c Whenever a receiver shall be appointed by any court other than those provided for under this Constitution; and in such cases it shall be the duty of the Attorney-General to institute proceedings looking to the winding up of the affairs of such corporation as soon as practicable.

Section 19. All existing charters of grants or corporate franchise under which organizations have not in good faith taken place and business begun at the adoption of this Constitution shall be null and void.

Section 20. No corporation after the adoption of this Constitution shall be created by special laws. Nor shall any existing charter be extended, changed or amended except those for charitable, penal or reformatory purposes which are under the exclusive control of the State.

Section 21. It shall be the duty of the General Assembly to enact laws that will make effective the provisions of this Article.

Mr. MOWER introduced the following ordinance, which was read the first time and referred to the Committee on Declaration of Rights:

AN ORDINANCE RELATING TO THE DECLARATION OF RIGHTS.

Be it ordained by the people of the State of South Carolina, in convention assembled, and by the authority of the same, That the following provisions shall constitute the Declaration of Rights to be embodied in this Constitution as Article I:

ARTICLE I.

DECLARATION OF RIGHTS.

Section 1. All political power is vested in and derived from the people only; therefore they have the right at all times to modify their form of

government in such manner as they may deem expedient when the public good demands.

Section 2. All powers not herein delegated are reserved to the people; nor shall the enumeration of certain rights herein be construed to deny or disparage others retained by the people.

Section 3. Representation shall be apportioned according to population.

Section 4. The General Assembly ought frequently to assemble for the redress of grievances and for making new laws, as the common good may require.

Section 5. The General Assembly shall make no law respecting an establishment of religion or prohibiting the free exercise thereof: *Provided,* That the liberty of conscience hereby declared shall not justify practices inconsistent with the peace and moral safety of society; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble and to petition the government or any department thereof for a redress of grievances.

Section 6. The privileges and immunities of citizens of this State and of the United States, under this Constitution, shall not be abridged, nor shall any person be deprived of life, liberty or property without due process of law; nor shall any person be denied equal protection of the law.

Section 7. All property subject to taxation shall be taxed in proportion to its value.

Section 8. No tax, subsidy, charge, impost tax or duties shall be established, made or levied, under any pretext whatsoever, without the consent of the people or their representatives lawfully assembled.

Section 9. No bill or attainder, ex post facto law, law impairing the obligation of contracts, nor law granting any title of nobility or hereditary emolument, shall be passed, and no conviction shall work corruption of blood or forfeiture of estate.

Section 10. The right of citizens of this State to vote shall not be denied or abridged on account of race, color or previous condition of servitude.

Section 11. The right of suffrage as regulated in this Constitution shall be protected by laws regulating elections and prohibiting under adequate penalties all undue influences from power, bribery, tumult or improper conduct.

Section 12. All elections shall be free and open, and every inhabitant of this State possessing the qualifications provided for in this Constitution shall have an equal right to elect officers and be elected to fill public office.

Section 13. No property qualification shall be necessary for an election to or the holding of any office, and no office shall be created the election or appointment to which shall be for a longer term than good behavior. After the adoption of this Constitution who shall fight a duel or send or accept a challenge for that purpose, or be an aider or abbettor in fighting a duel, shall be deprived of holding any office of honor or trust in this State and shall be otherwise punished as the law shall prescribe.

Section 14. Temporary absence from the State shall not forfeit a residence once obtained.

Section 15. The power of suspending the laws or the execution of the laws shall only be exercised by the General Assembly or by its authority in cases expressly provided for by it.

Section 16. In the government of this State the legislative, executive and judicial powers of the government shall be forever separate and distinct from each other, and no person or persons exercising the functions of one of said departments shall assume or discharge the duties of any other.

Section 17. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist in this State.

Section 18. All courts shall be public, and every person shall have speedy remedy therein for wrongs sustained.

Section 19. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized.

Section 20. No person shall be held to answer for any crime where the punishment exceeds a fine of $100 or imprisonment for thirty days unless on a presentment or indictment of a grand jury of the county where the crime shall have been committed, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger, nor shall any person be subject for the same offense to be twice put in jeopardy of life or liberty, nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property without due process of law, nor shall private property be taken for public use without just compensation.

Section 21. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the county where the crime shall have been committed, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Section 22. Excessive bail shall not be required nor excessive fines imposed, nor cruel and unusual punishments inflicted, nor shall witnesses be unreasonably detained. Corporal punishment shall not be inflicted. The power to punish for contempt shall not in any case extend to imprisonment in the State penitentiary.

Section 23. All persons shall, before conviction, be bailable by sufficient securities, except for capital offenses when the proof is evident or the presumption great.

Section 24. In all indictments or prosecutions for libel the truth of the alleged libel may be given in evidence, and the jury shall be the judges of the law and the facts.

Section 25. The privilege of the writ of habeas corpus shall not be suspended when, in the cases of insurrection, rebellion, or invasion, the public safety may require it.

Section 26. No person shall be imprisoned for debt except in cases of fraud, and a reasonable amount of property, as a homestead, shall be exempt from seizure or sale for the payment of debt or liabilities, except for the payment of such debt or liabilities as are provided for in the Constitution.

Section 27. In all civil actions, formerly known as suits at common law, where the value in controversy shall exceed $20 the right of trial by jury shall be preserved inviolate.

Section 28. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed. As in times of peace armies are dangerous to liberty, they shall not be maintained without the consent of the General Assembly. The military power of the State shall always be held in subordination to the civil authority, and be governed by it. No soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war but in the manner to be prescribed by law.

Section 29. No person shall in any case be subject to martial, or to any pains or penalties by virtue of that law, except those employed in the army and navy of the United States, and except the militia in actual service, but by the authority of the General Assembly.

Section 30. No person who has conscientious scruples against bearing arms shall be compelled to do so, but he shall pay an equivalent for personal service.

Section 31. All navigable waters shall forever remain public highways, free to the citizens of the State and the United States, without tax, impost or toll imposed; and no tax, toll, impost or wharfage shall be imposed, demanded or received from the owner of any merchandise or commodity for the use of the shores or any wharf erected on the shores or in or over the waters of any navigable stream, unless the same be authorized by the General Assembly.

Section 32. The provisions of the Constitution shall be taken, deemed and construed to be mandatory and prohibitory, and not merely directory, except where expressly made directory or permissory by its own terms.

Mr. BERRY introduced the following resolution, which was read the first time and referred to the Committee on Legislative Department:

RESOLUTION PROVIDING FOR THE REGISTRATION OF MARRIAGES.

Be it resolved, That the General Assembly shall at its first session after the adoption of this Constitution enact suitable laws for the registration of all marriages solemnized or contracted within this State, and fixing the age below which the marriage of a minor shall be illegal, and to provide penalties for violation of such laws. Succeeding General Assemblies shall have power to amend such original Acts and amendments thereof.

Mr. HOWELL introduced the following resolution, which was read the first time and referred to the Committee on Judicial Department:

RESOLUTION RELATING TO MARRIED WOMAN'S PROPERTY, NOW SECTION 8, ARTICLE 14, OF PRESENT CONSTITUTION.

Be it resolved, by the people of South Carolina, in convention assembled, That the following shall constitute Section —— of Article —— of the Constitution of this State:

The real and personal property of a woman held at the time of her marriage or that which she may thereafter acquire, either by gift, grant, inher-

itance, devise, or otherwise, shall not be subject to levy or sale for her husband's debts, but shall be held as her separate property, and may be bequeathed, devised or alienated by her the same as if she were unmarried: *Provided*, That no gift or grant from the husband to the wife shall be detrimental to the just claims of his creditors.

Mr. GOODING introduced the following resolution, which was read the first time and referred to the Committee on Legislative Department:

IN RELATION TO FISHING IN THE UNNAVIGABLE RUNNING STREAMS AND WATERS OF THIS STATE.

Be it resolved and ordained, That the following shall constitute Section ——, Article ——, of the Constitution:

The right of the people of this State to fish in the unnavigable running streams and waters of this State shall not be denied or abridged.

The Legislature at its next session shall pass such laws as will secure this uniform right.

Mr. DOYLE introduced the following resolution, which was read the first time and referred to the Committee on Legislative Department:

RESOLUTION TO PREVENT PRIZE FIGHTING.

Resolved by the people of South Carolina, in convention assembled, That the Legislature shall, at its next session after the adoption of this Constitution enact suitable laws to forever prevent "prize fighting" in this State.

Mr. J. S. BRICE introduced the following resolution, which was read the first time and referred to the Committee on Militia:

RESOLUTION IN REGARD TO THE MILITIA.

Be it resolved and ordained by the people of the State of South Carolina, in convention assembled, by authority of the same, That the following provisions shall constitute Section —— of Article —— of the Constitution of the State:

The militia of this State shall consist of all the able-bodied male citizens of the State, who are qualified electors under this Constitution, between the ages of twenty-one and forty-five years, except such persons as are now or may hereafter be exempt by the laws of the United States, or who may be adverse to bearing arms as provided for in this Constitution; and shall be organized, officered, armed, equipped, disciplined and compensated as the General Assembly may by law provide.

The Governor shall have power to call out the militia to execute the laws, repel invasion, repress insurrection, and preserve the public peace.

Mr. McCALLA introduced the following ordinance, which was read the first time and referred to the Committee on Corporations :

ORDINANCE CREATING OFFICE OF BANK INSPECTOR.

COLUMBIA, S. C., September 18, 1895.

Be it ordained by the people of South Carolina, in convention assembled, That the State Treasurer shall be Bank Inspector, and his duty shall be to inspect all private and State banks quarterly, without notice, which inspection shall be made by said State Treasurer or his chief clerk.

Be it further ordained, That the General Assembly shall particularly define the duties of said officer and provide for his payment.

Mr. W. B. WILSON introduced the following resolution, which was read the first time and referred to the Committee on Charitable and Penal Institutions :

A RESOLUTION PROVIDING FOR THE ESTABLISHMENT AND MAINTENANCE OF A REFORMATORY.

Be it resolved and ordained by the people of the State of South Carolina, in convention assembled, and by the authority of the same, That the following provision shall constitute Section — of Article — of the Constitution of said State :

Section —. Provision shall be made by the Legislature for the establishment and maintenance by the State of a Reformatory for the correction and reformation of juvenile offenders, separate and apart from hardened criminals.

Mr. PARLER introduced the following resolution, which was read the first time and referred to the Committee on Counties and County Government :

A RESOLUTION RELATING TO THE ELECTION OF COUNTY TREASURER AND THE ASSESSMENT AND COLLECTION OF TAXES.

Resolved, That there shall be elected by the electors in each County a County Treasurer, whose term of office shall be four years, whose duty it will be to take returns of all taxable property and of all poll taxes assessed thereon.

2nd. All persons liable to poll tax by law shall make his return in person or through an agent, who shall have written authority to make such return, and such returns shall be made once in each year.

3rd. No return of poll tax shall be copied from any previous return or book.

4th. The Legislature may enact such law as will insure the proper assessment, collection and disbursement of such taxes.

Mr. LOWMAN introduced the following resolution, which was read the first time and referred to the Committee on Legislative Department:

RESOLUTION TO PROHIBIT THE INTERMARRIAGE OF WHITES WITH NEGROES, ETC., OR THEIR LIVING TOGETHER AS MAN AND WIFE.

Be it resolved by the people of South Carolina, in convention assembled, and by the authority of the same, That the following be adopted as Section — of Article — of the State Constitution:

Section —. The intermarriage of white persons with negroes, mulattoes, or persons of mixed blood descended from a negro, or their living together as man and wife, is prohibited in this State.

The General Assembly shall enforce this Section by appropriate legislation.

Mr. I. R. REED introduced the following resolution, which was read the first time and referred to the Committee on Charitable and Penal Institutions:

RESOLUTION TO ESTABLISH A "STATE PENAL SCHOOL."

Be it resolved and ordained by the people of the State of South Carolina, in convention assembled, and by the authority of the same, that the following provisions shall constitute Section — of Article — of the Constitution of this State:

Section —. That, distinct from the State Penitentiary, there shall be established a State Penal School for the confinement and training of convicts who have attained to and are under sixteen years of age.

Section —. That the General Assembly of this State shall locate, establish, maintain and supervise said State Penal School by electing a married male citizen of this State as Keeper and his wife as Matron, who shall reside therein for the term of four years, and are eligible for re-election; and the General Assembly shall fix all compensations, appropriations, rules and trainings, or any other matter, for the government of or appertaining to said State Penal School.

Mr. PRINCE introduced the following resolution, which was read the first time and referred to the Committee on Legislative Department:

RESOLUTION RELATIVE TO THE ELIGIBILITY OF MEMBERS OF THE GENERAL ASSEMBLY AND JUDGES TO CERTAIN OFFICES.

Be it resolved and ordained by the people of South Carolina, in convention assembled, and by authority of the same, That the following shall constitute Section —, Article —, of the Constitution of the State:

No member of the General Assembly of this State during the term for which he was elected shall be eligible to any office to be filled by an election by the General Assembly, and no Judge in this State during his term of office shall be eligible to any other than a judicial office.

Mr. G. D. TILLMAN introduced the following resolution, which was read the first time and referred to the Committee on Judicial Department :

RESOLUTION PROPOSING AN ARTICLE IN THE CONSTITUTION TO RE-ESTABLISH THE WHIPPING POST TO PROPERLY PUNISH VAGRANTS, PETTY THIEVES AND HABITUAL WIFE-BEATERS.

Resolved, That the whipping post shall be re-established in this State to properly punish vagrants, petty thieves and habitual wife-beaters, and that the General Assembly shall provide by appropriate legislation therefor.

Mr. ALDRICH introduced the following resolution, which was read the first time and referred to the Committee on Education :

CONSTITUTIONAL PROVISION IN RELATION TO THE COMMON SCHOOLS AND INSTITUTIONS OF LEARNING IN THE STATE.

ARTICLE ——

The General Assembly shall make due provision for the maintenance of the free common schools, and for all of the existing State institutions of higher education.

Mr. PARROTT introduced the following resolution, which was read the first time and referred to the Committee on Suffrage :

AN ORDINANCE TO EXTEND THE RIGHT OF SUFFRAGE.

Be it resolved and ordained by the people of South Carolina, in convention assembled, and by the authority of the same, That men otherwise entitled to the right of suffrage by action of this Convention, and in addition pay taxes on property to the amount of two hundred dollars or more, and who represent a family as the head thereof, are hereby given the right to cast two votes in all elections of this State.

Mr. A. H. WHITE introduced the following resolution which was read the first time and referred to the Committee on Education :

SUPERVISING OF THE PUBLIC INSTRUCTION.

Be it resolved and ordained by the people of the State of South Carolina, in convention assembled, and by the authority of the same, That the following provision shall constitute Section —— of Article —— of the Constitution of this State:

The supervision of public instruction shall be vested in a State Board of Supervisors of Education one from each judicial district, and one from the State at large, who shall be professional teachers, and shall be elected by the Legislature; the powers, duties, term of office and compensation shall be defined by the General Assembly.

Mr. McMAHAN introduced the following resolution, which was read the first time and referred to the Committee on Suffrage:

AN ORDINANCE TO PRESCRIBE WHO SHALL BE VOTERS.

Whereas, The right to vote is a privilege to be bestowed by the State upon such only of her citizens as either by reason of their vested interest in the State and a resulting presumption of their worth and public spirit, or by reason of their known combination of judgment, character and patriotism, may be trusted to use the power wisely and faithfully for the welfare of the present and the future generations of their countrymen; and whereas property other than in land is no guarantee that the possessor has a permanent interest in the State, and book-education is no indication of judgment, of character, or of patriotism: and whereas no general rule to be applied by a mere ministerial officer can embrace all the citizens who are qualified for this trust and at the same time exclude all who are wanting in one or more of the elements of qualification:

Be it ordained by the people of South Carolina, through their delegates in convention assembled, That the following be the Constitutional provisions regulating the suffrage:

1. No person shall vote in any election in this State except as hereinafter provided.

2. Every person twenty-one years of age, of sane mind, born of wedded parents, and owning the beneficial interest in a freehold estate in country land to the amount of one hundred acres, or in a town lot or lots to the value of five hundred dollars, shall be a legal voter, either in the precinct where his or her land is situated or in the precinct where he or she may have resided two months immediately preceding the election.

3. The Legislature, at its session in 1895 and in 1896, shall, by special Act approved by the Governor, confer the right to vote upon such persons by name as in its judgment are worthy of the ballot and will use it for the advancement of the civilization of the State.

4. After January first, 1897, every new Legislature shall, by special Act approved by the Governor, confer the suffrage according to the spirit of the above Section, but in the following manner only, that is to say: Each Legislature during its last session shall pass an Act giving notice and recommending that the persons therein named are worthy to be made voters; and each succeeding Legislature, in selecting the persons upon whom it confers the suffrage, is limited to names appearing on the list recommended by the immediately previously elected Legislature.

5. No petition shall be received from citizens asking the suffrage at the hands of the Legislature.

6. Every person named as a voter by Act of the Legislature as hereinabove provided, and being twenty-one years of age, shall thereafter have the same

irrevocable and undeniable right to vote as if he or she were qualified as a land owner.

7. The right to vote shall be forfeited upon conviction of ——; but the Governor's pardon or an Act of the Legislature shall restore the right.

REPORTS OF STANDING COMMITTEES.

Mr. W. D. EVANS, Chairman of the Committee on Finance and Taxation, reported "An ordinance to pension certain Confederate Soldiers," and requested that it be referred to the Committee on Militia; which was agreed to.

Mr. W. D. EVANS, for the Committee on Finance and Taxation, submitted the following report:

REPORT OF THE COMMITTEE ON FINANCE AND TAXATION ON RESOLUTION TO PROVIDE AND FIX SALARIES FOR ALL CONSTITUTIONAL OFFICERS.

The Committee on Finance and Taxation, to whom was referred "A Resolution to provide and fix salaries for all Constitutional Officers," introduced by Mr. T. I. Rogers and referred to this Committee, respectfully report that they have carefully considered the same, and recommend that the Resolution be amended so as to apply only to State Officers and Judges of the Supreme and Circuit Courts, and that the Resolution be referred to the Committee on Executive Department.

All of which is respectfully submitted.

W. D. EVANS, for Committee.

The report of the Committee was adopted.

Mr. B. R. Tillman, from the Committee on Suffrage, submitted the following report, which was considered immediately and agreed to:

REPORT OF THE COMMITTEE ON SUFFRAGE ON THE MATTER OF THE CONTEST FROM WILLIAMSBURG COUNTY.

The Committee on Suffrage, to whom was referred the petition and contest of James Thorpe, Louis Jacobs, G. W. McCullough and J. E. A. Keeler, petitioners, contesting the seats of T. M. Gilland, George J. Graham, W. R. Singletary and S. W. Gamble, the sitting members of this Convention from the County of Williamsburg, beg leave to report that they have duly considered the said petition and contest, and heard the parties thereon, and that they find:

First, That the contestees, the sitting members from Williamsburg County, are T. M. Gilland, George J. Graham, W. R. Singletary and S. W. Gamble, as appears by returns of the Managers of Election, the action of the County Board of Canvassers and State Board of Canvassers, and the

certificates of the Secretary of State issued in pursuance thereof, were duly elected as delegates to this Convention, and are entitled to seats in this body.

Second, That the contestants James Thorpe, Louis Jacobs, G. W. McCullough, J. E. A. Keeler, have failed to establish their title to seats in this Convention as delegates from Williamsburg County.

Third, That we recommend that the actual personal expenses up to date of each of the contestants except Louis Jacobs, amounting to $24.72 each, be paid as a part of the expenses of this Convention.

B. R. TILLMAN,
Chairman of the Committee.

Mr AUSTIN, Chairman of the Committee on Counties and County Governments, reported the various ordinances and resolutions relating to the formation of new Counties, and asked that his Committee be discharged from the further consideration of the same; which was agreed to.

Mr. PATTERSON said that he had a resolution of a nature personal to the President to present, and requested that the President vacate the chair and that he call one of the Vice Presidents to the chair.

The PRESIDENT thereupon requested Mr. Talbert, one of the Vice Presidents, to take the chair.

Mr. PATTERSON introduced the following resolution and asked its immediate consideration; ten members objecting, it was refused:

WHEREAS, *The State*, a newspaper published in the city of Columbia, did on the 17th inst., in its editorial columns, contain the following statement in reference to the action of the President of this Convention in announcing a vote upon a motion to take a recess, when the question as to whether Saluda should be inserted in the lieu of Butler, in the resolution before this Convention on the 16th inst., to-wit: "On a division vote intended to defer final action on the matter until Irby's support could be rallied, the President openly and defiantly misstated the return of the tellers, subtracting two announced votes from Irby's side in order that he might show a majority of one against postponement."

Therefore, be it resolved, That as said editorial statement is unsupported by the facts, Senator Irby having announced upon the floor of the Convention that the announcement of said vote by the President was correct, and as said statement is a reflection upon the honesty and integrity of the President of this Convention, and an insult to this body,

Be it resolved, That this Convention do hereby pronounce said editorial statement as being a malicious falsehood.

The resolution being read, it was ordered to lie over for consideration to-morrow.

Mr. PATTERSON moved that it be made a special order for to-morrow immediately after the reading of the Journal, which was agreed to.

Mr. STANYARNE WILSON moved that when this Convention adjourn it stand adjourned until 12 M. to-morrow, which was agreed to.

Mr. GEO. JOHNSTONE asked and obtained leave of absence for his colleague, Mr. Mower, for to-morrow.

Mr. SINGLETARY asked and obtained leave of absence for himself till Monday, the 23d inst.

Mr. PARLER asked and obtained leave of absence for his colleague, Mr. Howell, till Friday next.

Mr. STANYARNE WILSON asked and obtained leave of absence for his colleague, Mr. Bobo, until Friday next.

Mr. EFIRD asked and obtained indefinite leave of absence for his colleague, Mr. Lybrand.

On motion of Mr. IRBY, at 1 P. M. the Convention adjourned until 12 M. to-morrow.

NINTH DAY.

Thursday, September 19, 1895.

The Convention assembled at 12 o'clock M.

The Secretary called the roll.

The PRESIDENT took the chair.

A quorum being present, the deliberations were opened with prayer by the Rev. Mr. PARROTT.

The Journal of yesterday's proceedings was read and confirmed.

The PRESIDENT presented a communication from Mr. Charles T. Walker, of Chicago, Illinois, which, being read, was, on motion of Mr. STANYARNE WILSON, received as information.

Ordered that printing be dispensed with.

Mr. STANYARNE WILSON asked and obtained permission to withdraw from the files of the Convention the papers relating to the formation of Limestone and Ennoree Counties.

Mr. PATTERSON called for the following :

SPECIAL ORDER IMMEDIATELY AFTER THE READING OF THE JOURNAL.

No. 8. Relating to an editorial in the "*State*" newspaper on the 17th instant.

The PRESIDENT called Mr. Talbert to the chair.

Mr. PATTERSON introduced the following substitute for the Special Order :

WHEREAS, The *State*, a newspaper published in the city of Columbia, did on the 17th instant, in its editorial columns, contain the following statement in reference to the action of the President of this Convention in announcing the vote upon the motion to take a recess, when the question as to whether the name Salnda should be inserted in lieu of Butler, in the resolution before the Convention on the 16th instant, to-wit : "On a division vote intended to defer final action on the matter until Irby's support could be rallied, the President openly and defiantly misstated the return of the tellers, subtracting two announced votes from Irby's side, in order that he might show a majority of one against postponement;" therefore be it

Resolved 1, That said editorial statement is unsupported by the facts, Senator Irby having announced upon the floor of the Convention that the announcement of said vote by the President was correct ; and as said editorial is a reflection upon the honesty and integrity of the President of this Convention, and an insult to this body, be it

Resolved 2nd, That this Convention desires to express its entire confidence in the integrity, honesty and fairness of our President, the Hon. John Gary Evans, and we do hereby declare the statement in the aforesaid editorial to be unsustained by the facts and untrue.

Resolved 3d. That we consider the editorial in question an abuse of the privilege granted to the Press in admitting its members to the floor of this Convention.

Mr. BATES offered the following as a substitute for the original and the substitute proposed by Mr. Patterson :

Whereas, on the 16th inst., while this Convention had under consideration an amendment to an ordinance creating a new County from a part of the territory of Edgefield, which amendment proposed a change of name from "Butler to Salnda," a motion was made to take a recess ;

And whereas a division being called for in the vote on this motion, and, the result having been announced by the tellers while there was confusion in the body, a misunderstanding arose as to the number of yeas reported by

the tellers and the number announced by the Ptesident, whereupon the President ordered another vote, the result of which was the same as that announced by him at first;

And whereas a certain newspaper in this city, to wit, *The State*, has seen fit to impute to our honorable President an unscrupulous and intentional misstatement of a fact for partisan purposes; therefore be it

Resolved 1st, That we do hereby unhesitatingly exonerate the President of this Convention from any intentional misstatement of the vote on said occasion, for partisan or for any other purposes; and further, that he manifested his absolute fairness by ordering another vote as soon as it occurred to him that there had been a misapprehension as to the result of the first.

Resolved 2nd, That this Convention does not deem it necessary to answer by abuse nor denunciation any of the adverse or defamatory criticisms of its actions, or of its officers, by any newspaper or newspapers, person or persons; and that we reaffirm our confidence in the ability and integrity of our presiding officer.

Mr. PATTERSON moved to lay the substitute proposed by Mr. Bates on the table, which was agreed to.

Mr. ALDRICH moved to strike out Section 3 of the substitute proposed by Mr. Patterson, and insert the following in lieu thereof :

Resolved 3. That the said newspaper, *The State*, has abused the privilege allowed to the press by this Convention; and that for the balance of the session its representatives be denied admission to the floor of the Convention; and that the Sergeant-at-Arms be charged with the enforcement of this resolution.

Mr. D. S. HENDERSON moved to lay the amendment of Mr. Aldrich on the table, which was agreed to.

Mr. GAGE moved the following as a substitute for the original resolution and the substitute proposed by Mr. Patterson :

Resolved, That this Convention hereby expresses its confidence in the integrity of the Hon John Gary Evans, President of this body, and does hereby repudiate any public expressions to the contrary.

Mr. PRINCE moved to lay the resolution of Mr. Gage on the table; which was agreed to.

Mr. BARKER moved to indefinitely postpone the whole matter.

The question being put, the Convention refused to indefinitely postpone.

After debate upon the various amendments and substitutes proposed, participated in by Messrs. Patterson, Bates, Garris, Aldrich, Sheppard, D. S. Henderson, Berry, Jervey, Burn, Haynsworth, Gage,

McGowan, Farrow, Rogers, W. D. Evans, Barker, Geo. Johnstone, Stanyarne Wilson, B. R. Tillman, Parrott and Prince,

The question was put upon the original substitute offered by Mr. Patterson and adopted by a *viva voce* vote.

Mr. B. R. TILLMAN moved to reconsider the vote whereby the Convention agreed to adopt the substitute for the original resolution proposed by Mr. Patterson ; which was agreed to.

Mr. B. R. TILLMAN demanded the yeas and nays upon the question of adopting the substitute, which was duly seconded.

The question being put : "Will the Convention agree thereto ?" it was decided in the affirmative.

Yeas, 123 ; nays, 23.

Those who voted in the affirmative are :

Yeas—Messrs. Aldrich, Alexander, Ashe, Atkinson, Austin, Barry, Barton, Bates, Behre, Bellinger, Bowen, Bowman, Bradham, Breazeale, J. S. Brice, T. W. Brice, Bryan, Buist, Burn, Byrd, Cantey, Carver, Clayton, Connor, Cooper, Cunningham, DeHay, Dennis, Dent, Derham, Douglass, Efird, Estridge, W. D. Evans, Field, Floyd, Fraser, Gamble, Garris, J. L. Glenn, J. P. Glenn, Gooding, Graham, Gray, Gunter, Hamel, Harris, Harrison, Hay, Haynsworth, Hemphill, D. S. Henderson, Henry, Hiers, Hodges, Houser, Howell, Hutson, Irby, T. E. Johnson, George Johnstone, Wilie Jones, Keitt, J. W. Kennedy, Klugh, Lowman, McCalla, McCaslan, McCown, McDermotte, McKagen, McMakin, McWhite, Matthews, Meares, Miller, Mitchell, J. D. Montgomery, Moore, Morrison, Murray, Nash, Nathans, Nicholson, Oliver, Otts, Parler, Parrott, Patterson, Peake, Perritte, Prince, Redfearn, John Reed, Rogers, Rosborough, Rowland, Russell, Shuler, Sligh, Sloan, A. J. Smith, W. C. Smith, Smoak, Sprott, Stackhouse, Stokes, Stribling, Sullivan, Talbert, Taylor, B. R. Tillman, G. D. Tillman, Timmerman, Waters, Wharton, Whipper, A. H. White, Wiggins, Stanyarne Wilson, W. B. Wilson, Winkler and Woodward.—123.

Those who voted in the negative are :

Nays—Messrs. Anderson, Barker, Berry, Doyle, Dudley, Farrow, Fitch, Gage, Jervey, E. J. Kennedy, Lee, McGowan, McMahan, W. J. Montgomery, Ragsdale, J. H. Read, Sheppard, Smalls, Jeremiah Smith, R. F. Smith, VonKolnitz, Wells and S. E. White.—23.

So the Convention agreed to the substitute proposed by Mr. Patterson.

The following gentlemen asked permission to have spread upon the Journal the reason for their vote :

I vote "yea" on the resolution of Mr. Patterson in reference to the editorial in the *State*, understanding that they mean as untrue that part which imputes intentional misstatements on the part of our President, and refer to the resolutions which I offered this morning as a substitute for Mr. Patterson's.

GEO. H. BATES.

I wish to place on record my entire confidence in our President, who was my first choice for the position which he so acceptably fills, and also my condemnation of the slander uttered against him by the *State* newspaper in unseemly violation of the courtesies extended to it by this Convention.

But I was forced to vote in the negative on the passage of the Patterson resolution because this was so worded as to declare that Senator Irby's concession on the floor of the Convention that the President was correct establishes that the State had not even the foundation of fact that the President was in error; whereas I understood the tellers to announce the affirmative vote on taking a recess "39" and "30," which would be "69" as claimed by the State.

JOHN J. MCMAHAN.

W. M. Fitch votes "no" because he does not believe that the President should be put in the position of needing a resolution to affect his character, as his personal acquaintance with the President has taught him the high character of the President; and, further, he believes that this Convention has no business in passing any resolution relating to a criticism in a newspaper.

W. M. FITCH.

I voted "aye" upon the resolution offered by the gentleman from Barnwell, Mr. Patterson, in relation to certain strictures of the *State*, a newspaper published in the city of Columbia, on the action of the President of this Convention in connection with the ordinance for the establishment of Saluda or Butler County because to have done otherwise might have appeared to reflect on the integrity of the President on the occasion and in connection with the matter indicated. I voted to indicate my confidence in his good faith in that matter; beyond that I do not wish to be understood as going.

Could I have had a way to indicate my belief in the good faith of the President in this matter other than by voting "aye," I should have voted "no," because I do not think that the matter was a proper one to be considered by the Convention.

GEORGE JOHNSTONE.

I am willing and take great pleasure in vindicating our President against any and all imputations made by the *State* on the 17th instant, but am unwilling to criticise that newspaper further. Therefore, I vote no.

R. F. SMITH.

I vote "no" because I do not recognize that the necessity for a resolution of confidence in its presiding officer has been, or can be, created by the attack of a newspaper editor, and because I deny the right to require the members of this Convention to vote for or against such a resolution.

THEODORE G. BARKER.

I vote "no" because my judgment is expressed in the substitute proposed by me.

G. W. W. Gage.

On the consideration of the Patterson resolution I vote "no," not for any want of confidence in the President of this Convention, but because I would have voted for the substitute of the delegate from Chester, and think that as far as this Convention should have taken notice of the matter.

E. J. Kennedy.

I voted "no" because

1. I was not present when the question which brought forth the resolution was at issue.
2. In my opinion the matter should never have been brought before the Convention.
3. Having been brought before the Convention, the Gage resolution was the proper disposition of it.

W. J. Montgomery.

On the question as to the adoption of the resolution of Mr. Patterson, of Barnwell, relative to a certain editorial in the *State* newspaper, I vote "no" because I consider it beneath the dignity of the presiding officer and of this Convention to notice said editorial, and the presiding officer needs no vindication against the charge of intentional unfairness.

G. G. Wells.

Mr. VonKolnitz votes "no" because he was absent from the city during the proceedings in question, and while willing and desirous of affirming his belief in the fairness and integrity of the President, the form of resolution precluded this, and he cannot by vote assume to characterize the opinion of the editor of the *State* as "untrue."

Mr. J. P. K. Bryan, of Charleston, S. C., voting "aye" on the resolution offered by Mr. Patterson, of Barnwell, relating to the editorial of the *State* on the action of the Chairman on Monday, September 16th, assigns for his reason for so voting "aye" that he has had no other opportunity of voting upon the question of motive and intent on the part of the President, and unless he so votes "aye" he might be construed as reflecting upon the integrity of the Chairman; and he desires to express by his vote only his belief that the President was not guilty of any intentional error in stating the result of the vote. Further than that he is not willing to go.

I voted "no" on the resolution of Mr. Patterson, from Barnwell, for the following reasons:

1. The President needs no vindication of his honest intentions.
2. The delegates to the Convention are not assembled to try cases of libel, and they have no right to waste the money of the people in advertising any newspaper.
3. The precedent is dangerous to the harmony and peace of the Convention, and the criticism of any paper should be treated with silent contempt.

T. E. Dudley.

On the question of adopting the resolution of Mr. Patterson, from Barnwell, I voted "no." If the resolution had only vindicated the President and repudiated the editorial of the *State* (paper), denouncing it as untrue, I should have voted "aye," but as the resolution contained more than this I could not vote for it.

JEREMIAH SMITH.

Upon the resolution offered by the gentleman from Barnwell (Mr. Patterson) I voted "no." I wish to say that I do not approve of the editorial in question, and I do not believe that the statement therein—that the President "intentionally" misstated the result of the count—can be sustained; but I believe that the substitute offered by the member from Chester was the best solution of the situation, hence I voted "no" on the Patterson resolution.

J. C. SHEPPARD.

I voted in favor of the substitute offered by Mr. Gage, of Chester, which vindicated the President of the Convention. I voted "no" on the resolutions passed because they, in my opinion, declared too much.

O. M. DOYLE.

The PRESIDENT proceeded to call by Counties for memorials, resolutions and such like papers.

On motion of Mr. HENRY the call by Counties was dispensed with.

MEMORIAL.

Mr. McMAHAN introduced the following memorial, which was read the first time and referred to the Committee on Municipal Corporations and Police Regulations:

MEMORIAL.

GOVERNMENTAL CORPORATION DEBT AND THE TENDENCY OF MUNICIPAL CORPORATIONS TOWARDS UNLAWFUL EXPENDITURE OF PUBLIC FUNDS AND EXTRAVAGANCE.

BY D. H. MEANS.

To the Honorable the Constitutional Convention of South Carolina:

Since the time when it became necessary for a Roman Emperor to abolish a corporation, corporations have constantly arrogated power never originally conferred, till the creature has become more powerful than the creator; and while no State can create a public debt that the people may not repudiate, governmental corporations may contract debts that the State and people in all their sovereignty cannot repudiate. The Convention, therefore, whatever it leaves undone, should, by constitutional limitations, so harness this dangerous creature in its taxing and debt-creating power that hereafter in South Carolina it may ever be the servant and not the master of

the people. It is a question of gigantic proportions, because modern civilization has multiplied the number of political corporations, each having a separate taxing and debt-creating power *over* the *same* territory, the same property, the same people. A vicious or deluded vote upon all questions not involving contract can do but temporary injury, and the greater the wrong thereby committed against the community at large, the more quickly will the people rise in their might and apply the remedy by an exercise of the repealing power. But the injury resulting from the wrongful or improvident creation of a legal debt of a public corporation is without remedy and permanent. A vicious or even an honestly deluded voter in saddling upon a County, city or other public corporation an extravagant and unnecessary bonded debt steals or squanders not only from estates in possession, but from the inheritance of generations yet unborn. This is not a theory of what might happen, but it is a statement of what has happened and is happening every day. From one end of this broad land to the other governmental communities are staggering under intolerable burdens of bonded indebtedness—burdens bequeathed to them by the voters or aldermen of bygone generations, who, deluded by designing jobbery or dazzled by visionary enthusiasm, in one brief day entailed upon themselves and posterity a wrong which no known principle of law or equity can remedy. Such being the far-reaching and irremediable damage resulting from the abuse of the power of creating corporate governmental bonded indebtedness, it behooves the Convention, WHATEVER it *leaves* UNDONE, *to incorporate in the new Constitution a limitation* that will *limit* and a *restriction* that will *restrict* the amount of public corporate bonded indebtedness that may be incurred.

In the present Constitution of South Carolina there is the following provision: ARTICLE IX, SECTION 17. Any bonded debts hereafter incurred by any county, municipal corporation or political division of this State shall never exceed eight per centum of the assessed value of all the taxable property therein. Carefully as it was drawn, this limitation does *not limit*, as the following statement as to its effect upon the city of Columbia will show: When the above eight per cent. provision was incorporated into the Constitution the bonded debt of the city was sixteen and one-half per cent., and the eight per cent. clause was construed to authorize an increase of eight per cent. in addition to what already existed. So this eight per cent. added to the sixteen and one-half per cent. authorizes a debt for the city of twenty-four and one-half per cent. Again, by the multiplication of political subdivisions, there is a school district, a township, and a county, each with a separate taxing power over the city's territory. So that for the city's territory, besides the twenty-four and one-half per cent. for the city, there may be an eight per cent. increase for the school district, and another eight per cent. for the township, and another eight per cent. for the County, making it possible to increase the bonded debt over the city's territory to forty-eight and one-half per cent. of the taxable property—which would be an intolerable burden over the same city, the same territory, the same people. But this is not all, for by further increasing political subdivisions covering same territory and by raising the valuation of property for municipal taxation over the true value, this forty-eight and one-half per cent. may be indefinitely increased.

The Mayor and Aldermen of the city wherein the Convention now meets furnished a forcible argument in favor of the necessity of limiting corporate powers, when, upon the eve of this Convention, they voted one thousand dollars of the city's money as a gift to a private corporation, and this, too, when pending the vote their attention was called to the fact that their able City Attorney, Mr. John P. Thomas, Jr., had furnished them with a written opinion that such a gift would be illegal. This same Board of Aldermen had a few months previously voted and paid as a gift $2,500 of the city's money to another private corporation; and the same City Attorney has rendered an opinion that it was unlawful for them to raise money by taxation for such gift. These are the acts of intelligent, honorable men—mostly personal friends of the writer—of the rectitude of whose intentions he has no doubt; but the very rectitude of their intentions only emphasizes the necessity of constitutional limitation upon the taxing and debt-creating power of municipal corporations, and the necessity, under the most favorable conditions of municipal government, of having municipal disbursements audited by a bonded State officer, free from the contagion and dazzling effect of visionary enthusiasm and local influence. And if the righteous, by the opinion of an able city attorney, cannot be saved from unlawful official generosity in disbursing public funds, to what extent would the sinner go—such sinners as were twenty-five years ago the aldermanic abortions of the municipal ballot box. The goodness of the aldermanic intention no more saves the city treasury from loss incident to unlawful donation or appropriation of public funds than did good intention save from death him who took morphine honestly believing it to be quinine. But suppose a person insisted upon administering, *nolens volens*, to others for quinine that which an able chemist had warned him was morphine, how would the story then read? Would not measures be speedily taken to effectually restrain such an one from the pursuit of such a course?

There is a lesson for the Convention in the fact that the city of Columbia to-day pays interest on a debt of $430,000 incurred in the erection of an opera house worth about $65,000—a building not now and never needed for purely governmental purposes. And this is only one of the many similar structures all over this land, looming up as beacons, warning statesmen of the danger of committing to the uncertain tide of unrestricted suffrage, or, worse still, to the possible aldermanic accidents of the municipal ballot box, a question freighted with such direful possibilities as the unrestricted power to incur a corporation debt. There is significance in the fact that a local committee in the city of Charleston, in the fire-proof building, valued a taxpayer's property at $87,820 for State taxation, and then these same persons, as another committee, met in the City Hall, and, for the same year, valued for municipal taxation this same property at $141,085. [See case of Ross *vs.* Kelly, now pending in State Supreme Court.] The writer uses Charleston and Columbia as illustrations, merely because he happens to be informed as to these, and not because a similar condition of affairs may not probably exist elsewhere, and thinks the instances cited will suffice to illustrate.

Created for purely governmental purposes, governmental corporations should be prohibited from embarking by means of subscriptions and its debt-creating power in the railroad, the opera house, the show business, or

other industrial enterprises not germane to government, as is prohibited in the Constitution of some of the most progressive States in the Union.

It is most important that this Convention, in dealing with governmental corporate powers as to taxation and debt, consider the causes operating in the towns and cities, radically different from those obtaining in the country. Experience all over the civilized world shows that in municipal government the tendency is towards extravagance, while in rural districts there is generally no such tendency, and the reason is obvious. In the country nearly every voter owns the land on which he lives—is a freeholder—while in the city exactly the contrary obtains. Municipal elections are controlled by a large majority of non-freeholders, while in rural elections the freeholders rule. The anxieties and responsibilities of proprietorship have engendered in the freeholder the habit of serious thought and cautious action—especially in matters affecting property. Municipal corporation debt is a lien qualified and voidable as to personal property, because it is a lien thereon only while it exists or remains within the territory of the municipal taxing power, and personal property is both perishable and portable—easily spirited away or converted into bonds or other choses in action beyond the ken or power of the tax gatherer. On the other hand, such public bonded debt is a lien absolute and unavoidable upon the land—the freehold—because it is in its nature ascertainable and tangible, immovable and imperishable, and if the freeholder sells he must sell subject to this lien, with a necessary depreciation in value.

When the long and burdensome years of reckoning shall have come, the political adventurer, the designing demagogue, the citizen of extravagantly progressive ideas as to public expenditure, the successful merchant (too fearful of making enemies to mix in politics,) and every other class except the freeholder, may board the train with their respective bonds, stocks, goods, wares and merchandise and all other personalty, and leave the freeholder to bear not only his own but their share of an intolerable burden that their selfishness, recklessness, mistake or indifference has placed upon him. The freehold is the foundation upon which the entire superstructure of government rests. It is the soil into which the roots of patriotism strike deep. Nothing can harm the freehold and not the commonwealth; nothing can injure the commonwealth and not the freehold. Chained to the deck of the Roman galley, and knowing that if the vessel perished he perished also, the most craven and debased galley slave in the dire emergency of battle rendered reliable and effective though unwilling service. Then how can the freeholder—a freeman—bound to the freehold, and, therefore, to the ship of State, not by the galling chains of servitude, but by the potent and delightful bond of interest and sentiment, be he virtuous or vicious, generous or selfish, cast other than a safe vote upon a question so vitally affecting the government, the freehold and himself?

Hence the hope of the Federal Government in curbing reckless extravagance in governmental expenditures is found in the rural and agricultural South, and not in the urban and industrial North; and there is a lesson right here for this Convention in providing who shall vote upon the question of incurring municipal debts.

The writer has observed that Hon. W. D. Evans has introduced the following admirable ordinance: "All taxes, whether for State, County, city, township or other public or corporate purpose, levied upon and collected

out of property in this State, shall be authorized by, and included in, the successive legislative supply Acts; and the same shall be collected all together and at the same time by such officials as the Legislature may provide; and the disbursement of such portion thereof as may be made by the officer of any County, township, city, municipal corporation, or other political subdivision, or public governmental corporation, shall be reported to and audited by the Comptroller General."

While not interfering with the autonomy of the city, this ordinance will throw the light of legislative investigation and discussion upon municipal tax levies, and an effective safeguard around municipal disbursement of public funds. If the City Treasurer had known that his disbursements must be passed upon by a State bonded officer, it is not likely that he would have paid out the thousands of dollars of public money unlawfully ordered by the Aldermen of Columbia to be given to private corporations, with the probability of his being called upon for its reimbursement to the taxpayers. The high character and intelligence of this official and the rectitude of his intentions, as in the case of the Aldermen, only emphasizes the lesson to be learned.

Again, in providing that all taxes shall be collected under one legislative levy, all together and at the same time, Mr. Evans's ordinance will insure one valuation for all taxation, and prevent municipalities from indefinitely and arbitrarily increasing valuations for taxation, and thus circumventing legislative and constitutional limitations as to the percentage of taxable values to which their municipal tax levy or debt shall go, or to meet their desire for revenue. And it will also eliminate local fear or favor in enforcing tax executions.

The taxpayer will then make one tax return and pay taxes to one person, and not. as now, have to make as many returns and pay taxes to as many persons as there happens to be separate taxing power over his property, and Mr. Cooley says that the convenience of the taxpayer is as imperative as the necessity for revenue.

In fixing the percentage of the value of taxable property beyond which governmental corporation debt shall not go, it is hoped that the Convention will so frame the ordinance that the limitation shall have reference both to the debt previously existing and that thereafter to be created, and so that the limitation will also refer to and include the sum of the debts of the County, township, school district and city or other political division where they all extend over the same territory, as is the case in Columbia.

The above is submitted at the request of certain taxpayers and the suggestion of some members of the Convention, and in the interest of many widows and orphans unable to participate in politics—small freeholders, whose limited income is barely sufficient for their support and the payment of present State and municipal taxes.

To a Convention composed largely of freeholders, who, of all men, realize the danger of extravagant County, township, city or other governmental corporation debt, and of able lawyers, who, of all men, realize the irremediable and direful consequences of such improvident debt upon estates in possession, estates in reversion and upon estates in remainder—upon present and future generations, and of substantial business men whose training impels them to look closely into finance and to preclude all

possibility of extravagance and bankruptcy—to such a Convention, in full confidence of the wise limitations that will result from their deliberation, the above is respectfully submitted. D. H. MEANS.

COLUMBIA, S. C., September 17th, 1895.

RESOLUTIONS.

The Committee on the Executive Department introduced the following resolution, which was read the first time and referred to the Committee on Suffrage :

RESOLUTION PROVIDING THAT OFFICIAL RESIDENCE SHALL NOT AFFECT THE RIGHT OF SUFFRAGE OF STATE OFFICES.

Resolved, That Section 4 of Article 8 of the Constitution be amended by adding thereto the following provision :

That official residence shall not affect the right of suffrage of State officers.

Mr. MONTGOMERY introduced the following resolution, which was read the first time and referred to the Committee on Education :

A RESOLUTION PROVIDING FOR REASONABLE TUITION FEES IN ALL INSTITUTIONS FOR HIGHER EDUCATION SUPPORTED IN WHOLE OR IN PART BY THE STATE.

Resolved, That after the fifteenth day of June, 1899, reasonable tuition fees shall be charged in all institutions for higher education in this State supported in whole or in part by the State.

Mr. OTTS introduced the following ordinance, which was read the first time and referred to the Committee on Penal and Charitable Institutions :

AN ORDINANCE REQUIRING CHAIN GANGS.

Be it ordained, etc. :

Section —. A chain gang shall be established in every County in the State : *Provided,* That this Section shall not prevent two or more Counties from consolidating their respective chain gangs.

Mr. SULLIVAN introduced the following resolution, which was read the first time and referred to the Committee on Education :

RESOLUTION EMPOWERING THE GOVERNOR TO SUSPEND ALLEGED DEFAULTING STATE AND COUNTY TREASURERS AND TO FILL THEIR OFFICE PENDING INVESTIGATION.

Be it resolved by the people of South Carolina, in convention assembled, That the following provision shall constitute Section —— of Article —— of the Constitution of the State:

The Governor shall have the power, and it is hereby made his duty, to suspend alleged defaulting State and County Treasurers pending the investigation of their respective accounts, and to make temporary appointments of proper persons to fill the offices while such investigations are being made, and the General Assembly shall provide for the enforcement of this provision by appropriate legislation.

Mr. MOORE introduced the following ordinance, which was read the first time and referred to the Committee on Judicial Departments:

AN ORDINANCE TO PROVIDE COMPENSATION BY EXEMPLARY DAMAGES FOR DEATH RESULTING FROM WILLFUL ACT, OMISSION OR GROSS NEGLIGENCE.

We, the people of the State of South Carolina, in convention met, do ordain:

That every person, corporation or company that may commit a homicide through willful act, omission or gross negligence shall be responsible in exemplary damages to the surviving husband, wife or heirs at law of him or her, without regard to any criminal proceeding that may be had for such homicide.

Mr. T. E. JOHNSON introduced the following resolution, which was read the first time and referred to the Committee on Education:

RESOLUTION PROVIDING A SYSTEM OF PUBLIC INSTRUCTION.

Be it resolved, Section 1. The supervision of public instruction shall be vested in a State Superintendent of Education, who shall be elected by the qualified electors of the State in such manner and at such time as the other State officers are elected; his powers, duties, term of office and compensation shall be defined by the General Assembly.

Section 2. There shall be elected every four years in each County, by the qualified electors thereof, one School Commissioner, said Commissioners to constitute a State Board of Education, of which the State Superintendent shall, by virtue of his office, be chairman. The powers, duties and compensation of the members of said board to be determined by law.

Section 3. The General Assembly shall provide for a liberal system of free public schools throughout the State, and shall also make provision for the division of each County into suitable school districts. They shall provide that separate schools be established for white and colored children between the ages of six and twenty-one years.

Section 4. It shall be the duty of the General Assembly to provide for the compulsory attendance, at either public or private schools, of all children between six and twenty-one years, not physically or mentally disabled, for a term equivalent to twenty-four months at least: *Provided,* That no law to that effect shall be passed until a system of public schools has been thoroughly and completely organized and facilities afforded to all the inhabitants of the State for the free education of their children.

Section 5. The Boards of County Commissioners of the several Counties shall levy an annual tax of two mills on the dollar of all the taxable property in their respective Counties, which levy shall be for the support of the public schools in their respective Counties, which tax shall be collected at the same time and by the same officers as the other taxes for the same year, and shall be held in the County treasuries of the respective Counties and paid out exclusively for the support of the public schools as hereinafter provided. There shall be assessed on all taxable polls in the State an annual tax of one dollar on each poll, the proceeds of which tax shall be applied exclusively to the public schools. The school tax shall be distributed among the different school districts in proportion to the scholastic population in the difierent school districts respectively. But each taxpayer shall have the right to direct to what school or schools, in the County in which it is paid, the tax paid by him for school purposes shall be applied, which direction shall be obeyed with this limitation, to wit: if the distributive share of the general fund (to wit, the fund not directed to be specifically applied) of any school, together with the amounts directed to be applied to said school for any year shall be more than sufficient to maintain the same for a period of four months in each year, then the surplus shall be distributed amongst the schools of such County by the County School Commissioner. No religious sect or sects shall have exclusive right to, or control of, any part of the school funds of the State, nor shall sectarian principles be taught in the public schools.

Section 6. The General Assembly shall provide for the establishment and support of a State Normal School, which shall be free and open to all persons who may wish to become teachers, with such restrictions and limitations as they may fix by law.

Section 7. Educational institutions for the benefit of all the blind, deaf and dumb, and such other benevolent institutions as the public good may require, shall be established and supported by the State, subject to such regulations as may be prescribed by law.

Section 8. Provisions shall be made by law, as soon as practicable, for the establishment and maintenance of a State reform school for juvenile offenders.

Section 9. All the public schools and colleges of this State, supported in whole or in part by the public funds, shall be free and open to all the children and youths of the State without regard to race or color; but the General Assembly shall provide for separate schools and colleges for the two races.

Section 10. The General Assembly shall never appropriate for the support and maintenance of the colleges and other institutions for higher education of the State for any year an amount or amounts exceeding one-sixth of the total amount of the taxes collected in the preceding year for the common schools of the State.

Section 11. The proceeds of all lands that have been or may hereafter be given by the United States to this State for educational purposes, and not otherwise appropriated by this State or the United States, and of all lands or other property given by individuals, or appropriated by the State for like purpose, and of all estates of deceased persons who have died without leaving a will or heir, shall be securely invested and sacredly preserved as a State school fund, and the annual interest and income of said fund, together with such other means as the General Assembly may provide, shall be faithfully appropriated for the purpose of establishing and maintaining free public schools, and for no other purposes or uses whatever.

Mr. McKAGEN introduced the following resolution, which was read the first time and referred to the Committee on Judicial Department:

A RESOLUTION RELATIVE TO THE INELIGIBILITY OF SENATORS AND REPRESENTATIVES FOR ANY OFFICE OF PROFIT.

Be it resolved and ordained by the people of South Carolina, in convention assembled, and by authority of same, That the following shall constitute Section —, Article —, of the Constitution of the State:

No Senator or Representative shall, during the term for which he shall have been elected, be appointed or elected to any civil office of profit or trust under the State.

Mr. LOWMAN introduced the following resolution, which was read the first time and referred to the Committee on Finance and Taxation:

A RESOLUTION THAT THE BONDED DEBT OF THE STATE SHALL NEVER BE INCREASED EXCEPT TO REPEL INVASION, SUPPRESS INSURRECTION, ETC.

Be it resolved and ordained by the people of the State of South Carolina, in convention assembled, and by the authority of same, That the following provision shall constitute Section — of Article (9) IX of the Constitution of this State:

Section —. That the bonded debt of the State shall never be increased except to repel invasion, suppress insurrection, or defend the State in time of war.

Mr. KLUGH introduced the following resolution, which was read the first time and referred to the Committee on Counties and County Government:

A RESOLUTION RELATING TO PUBLIC ROADS.

Be it resolved and ordained by the people of the State of South Carolina, in convention assembled, and by authority of the same, That the General Assembly shall make ample provision for the maintenance of public roads,

and shall levy annually a capitation tax not exceeding one dollar and fifty cents on each person liable to road duty, and also a tax on vehicles which shall be kept and used exclusively for the construction and repair of the public roads in the County wherein such tax is collected: *Provided*, That any person so taxed shall have the right to commute his capitation road tax with work on the public roads.

Mr. MOORE introduced the following resolution, which was read the first time and referred to the Committee on Judicial Department:

AN ORDINANCE RELATING TO THE GRANTING OF FREE PASSES.

We, the people of South Carolina, in convention assembled, do ordain:

That no railroad or other transportation company shall grant free passes or tickets, or passes or tickets at a discount, to members of the Legislature, or any State, District, County or municipal officers, except Railroad Commissioners. The Legislature shall enact suitable laws for the detection, prevention and punishment of violations of this provision.

Mr. HARRISON introduced the following resolution, which was read the first time and referred to the Committee on Counties and County Government:

A RESOLUTION RELATING TO COUNTY GOVERNMENT.

Be it resolved by the people of the State of South Carolina, in convention assembled, and by the authority of the same, That the following shall form Article —, Section —, of the Constitution of the State:

Section 1. Each County shall form an election district.

Section 2. In each County in this State there shall be elected a Clerk of the Court of Common Pleas and General Sessions, a Register, a Sheriff, a Coroner, a Probate Judge, for a term of four years, and an Assessor and Treasurer; all of said officers to perform the duties now or hereafter to be prescribed by law.

Section 3. The Clerk of the Court of Common Pleas and General Sessions shall by virtue of his office perform the duties of Master.

Section 4. There shall be elected in each township in each County three or five Directors, to take the place of Township Commissioners and have the supervision of all public work, roads, bridges and ferries in their respective townships, and perform the duties now or hereafter to be prescribed by law.

Section 5. The Chairmen of said Boards of Directors in each township shall compose the Board of County Commissioners, whose duty it shall be to elect a Chairman out of their number and Clerk, and said Board shall attend to all the duties now performed by the Board of County Commissioners and all such duties as may be prescribed by law; the said Board to enter into a bond severally in a reasonable amount, to be prescribed by law, and receive as a salary one dollar per day and mileage for each day engaged as aforesaid.

Section 6. Said Township Board, or three of them, shall compose the Board of Equalization on Taxes, as may be prescribed by law.

Section 7. Each township shall be a school district and the Directors shall act as trustees for the schools in their respective townships, and the County Board shall elect a clerk out of their number to act as clerk in the now School Commissioner's office, and the County Board to proportion the school fund as is now or hereafter to be prescribed by law, and the said Board shall provide for a chain-gang and take charge of all convicts assigned to hard labor in their Counties according to law.

Section 8. There shall be elected in each township one Trial Justice and Constable, who shall have jurisdiction in civil cases to the amount of one hundred dollars, and have jurisdiction in criminal cases, misdemeanors, assault and battery, concealed weapons and theft, the amount of which not to exceed one hundred dollars, try and decide all such cases, and if found guilty place the fine or sentence, and if said sentence be in the chain-gang turn them over to the County Board to work out said sentence. Such Trial Justices and Constables and all other County officers mentioned in the above resolutions shall hold their respective offices for the term of four years, and shall not be eligible to two successive terms.

Mr. KLUGH introduced the following resolution, which was read the first time and referred to the Committee on Judicial Department:

A RESOLUTION RELATING TO INSURANCE COMPANIES.

Be it resolved and ordained by the people of the State of South Carolina, in convention assembled, and by authority of the same:

1. That the General Assembly shall, at its first session after the adoption of this Constitution, enact such laws as will protect the people against imposition by insolvent or bogus insurance companies by requiring a deposit of approved securities with the State Treasurer on the part of each insurance company before the same is allowed to begin or continue to do business in this State, and such deposit shall at all times be kept up to at least twenty-five per centum of the premiums of insurance received by such company within this State in each year.

2. The measure of liability of every fire insurance company shall be the full amount of any policy which it shall take or carry on any property in this State in case of the total loss or destruction of such property, and a proportionate amount in case of partial loss, and no such company shall be allowed to set up the defense that such property was of less value than that fixed and agreed upon at the time such policy was written.

3. The funds or securities deposited with the State Treasurer shall be held by him in trust for the policy holders of the company depositing the same, and shall be subject to a lien for taxes, and to no other lien whatever except the lien of a judgment recovered on a policy of such company.

Mr. MOORE introduced the following ordinance, which was read the first time and referred to the Committee on Judicial Department:

AN ORDINANCE RELATING TO CONTRACTS BETWEEN EMPLOYERS AND EMPLOYEES.

We, the people of South Carolina in Convention assembled do ordain:

That it shall be unlawful for any person, company or corporation to require of its servants or employees, as a condition of their employment or otherwise, any contracts or agreement whereby such persons, company or corporation shall be released or discharged from liability or responsibility on account of personal injuries received by such servants or employees while in the service of such person, company or corporation by reason of the negligence of such person, company or corporation, or the agents or employees thereof; and such contracts shall be absolutely null and void.

Mr. E. J. KENNEDY introduced the following resolution, which was read the first time and referred to the Committee on Legislative Department:

A RESOLUTION LIMITING THE TENURE OF OFFICE.

Be it resolved and ordained by the people of South Carolina, in convention assembled, That the following provision shall constitute Sections — of Article — of this State:

1. That no person shall be eligible to be elected to any office created or provided for under this Constitution for more than two terms in succession: *Provided*, This Section shall not apply to the Judges of our Courts; and when any person has been elected to and held any office created or provided for under this Constitution for two successive terms he shall then be ineligible to be again re-elected to that office until after the expiration of another term of such office shall have elapsed.

Mr. OTTS introduced the following ordinance, which was read the first time and referred to the Committee on Legislative Department:

AN ORDINANCE IN REGARD TO CONCEALED WEAPONS.

Be it ordained, etc, That the Legislature shall have the right to license the carrying of concealed weapons under such regulations as may be prescribed by law.

Mr. MOORE introduced the following petition, which was read the first time and referred to the Committee on Judicial Department:

PETITION FROM THE "WOMEN'S CHRISTIAN TEMPERANCE UNION" RELATING TO THE "AGE OF CONSENT."

To the Delegates in Constitutional Convention assembled.

GENTLEMEN: The increasing and alarming frequency of assaults upon women and the frightful indignities to which even little girls are subject have become the shame of our boasted civilization.

A study of the Statutes of our State has revealed to us their utter failure to meet the demands of a newly awakened public sentiment which requires better legal protection for girlhood and womanhood.

Therefore, we, the members of the "Women's Christian Temperance Union" of South Carolina, do most earnestly appeal to you, through Mrs. Chapin, our President, to enact such statutes as shall provide for the adequate punishment of crimes against women and girls.

We would also call attention to the disgraceful fact that protection of the person of our women is not placed upon so high a plane as protection of their purse. We would, therefore, entreat your honorable body to raise the (so called) "age of consent" to eighteen, the legal age which permits women to contract a valid marriage or make lawful sale of any of her personal property. North and South Carolina are now the only States, as far as we can find out, where the low age of "ten" fouls the escutcheon of their Statute books, and we earnestly plead that the disgrace to the State be wiped out by raising the law of protection to that of legal majority, eighteen.

S. F. CHAPIN,
President Women's Christian Temperance Union.

CHARLESTON, S. C., September 9th, 1895.

Mr. OTTS introduced the following ordinance, which was read the first time and referred to the Committee on Counties and County Government:

AN ORDINANCE RELATING TO ROAD TAX AND ROAD DUTY.

Be it ordained by the people, in convention assembled:

Section —. No minor, or person under the age of twenty-one years, shall be required to perform road duty, or to pay a commutation tax in lieu thereof.

Mr. KLUGH introduced the following resolution, which was read the first time and referred to the Committee on Counties and County Government:

A RESOLUTION RELATING TO THE FORMATION OF NEW COUNTIES.

Be it resolved and ordained by the people of the State of South Carolina, in convention assembled, and by authority of the same, That the following shall form Section — of Article — of the Constitution:

New Counties may be formed under general laws, but no new County shall contain less than five hundred (500) square miles, nor less than two million (2,000,000) dollars of taxable property, nor less one sixty-second (1-62) part of the inhabitants of the State, as ascertained by the last preceding State or United States census; nor shall the formation of a new County reduce any existing County below the said limit of area, taxable property and population. No new County shall be formed unless it be of compact and convenient shape, nor unless the County or Counties from which it is formed be each left in compact and convenient shape. The County seat of a new County shall be established near the centre of the County, and not further than five miles therefrom, and no line of any new County shall

approach nearer than ten miles to the County seat of any other County, except the County seat of Charleston County. No County shall be dismembered for the purpose of forming a new County or Counties, but any County hereafter formed may be dismembered by the General Assembly and the parts restored to the several Counties from which they were taken. The General Assembly may form any city containing not less than thirty thousand (30,000) inhabitants into a separate County.

Whenver a majority of the qualified voters within the part of each County proposed to be embraced in a new County shall petition the General Assembly for the formation of such County, said petition shall be referred to a commission of five persons not interested for or against the formation of such County, with power to employ a competent engineer, and if said commission shall find that the constitutional requirements for the formation of such new County have been complied with it shall cause an election to be held within the area proposed for said new County; and if three-fourths of the qualified voters in each of the several parts of Counties proposed to be embraced in such new County, voting separately, shall vote in favor of the formation of the same, the said commission shall report the facts and the result of such election to the General Assembly at its next ensuing session, and the General Assembly may then form such new County. The said commission shall then cause the boundaries of such new County to be located, surveyed and marked, and shall locate the County seat. All expenses incident to the formation of a new County shall be borne by such County. Every new County hereafter formed shall bear its just proportion of the indebtedness of the County or Counties from which its territory shall have been taken.

Mr. J. P. GLENN introduced the following resolution, which was read the first time and referred to the Committee on Education :

A RESOLUTION TO APPROPRIATE CERTAIN MONEYS FOR THE SUPPORT OF PUBLIC SCHOOLS.

Be it resolved by the people, in convention assembled, That all moneys, stocks, bonds, lands and other property belonging to a County school fund all moneys which may be paid by persons as an equivalent for an exemption from military duty, also the net proceeds from the sale of estrays, and the proceeds of fines for any breach of the penal laws, shall be exclusively applied in the several Counties in which the money is paid or fines collected to the support of common schools.

Mr. NICHOLSON introduced the following resolution, which was read the first time and referred to the Committee on Counties and County Government :

RESOLUTION FOR CREATION OF THE OFFICE OF INSPECTOR OF PUBLIC COUNTY ACCOUNTS AND OF ILLUMINATING OILS.

Be it resolved by this Convention, That the Governor shall have the power to appoint an officer, whose title shall be Inspector of Public County Accounts and of Illuminating Oils.

Said appointment to be for the term of four years and subject to confirmation by the Senate.

The duties of said officer will be to examine the offices and accounts of the Sheriff, Clerk of the Court, Judge of Probate, Master and all other public County officials; and also be Inspector of all State Banks in said County.

Said officer to be under the control and supervision of the Comptroller-General.

The Legislature at its next session shall enact all necessary laws for the enforcement of this resolution.

REPORT OF STANDING COMMITTEES.

Mr. HEMPHILL, Chairman of the Committee on Printing, submitted the following report, which was agreed to:

RESOLUTION RELATING TO PUBLIC PRINTING.

COLUMBIA, S. C., Sept. 19, 1895.

To the Constitutional Convention:

The Committee on Printing, to whom was referred a "Resolution Relating to Public Printing," beg leave to report that they have carefully considered the same, and are of opinion that the regulation of printing is a matter for the legislative branch of the Government, and they respectfully ask to be discharged from the further consideration of the resolution, and that it be referred to the Committee on Legislative Department.

ROBERT R. HEMPHILL, Chairman.

Mr. WHARTON, for the Committee on Finance and Taxation, reported a resolution for the relief of disabled and aged Confederate soldiers and their widows, and requested that it be referred to the Committee on Militia.

Mr. STOKES, Chairman of the Committee on Corporations, reported a resolution making corporations responsible for the payment of work when the construction company fails to pay the laborers, and requests that it be referred to the Legislative Department; which was agreed to.

Mr. MOORE asked and obtained indefinite leave of absence for Mr. Parrott.

Mr. BATES asked and obtained indefinite leave of absence for Mr. Hiers, on account of sickness in his family.

Mr. A. H. WHITE asked and obtained leave of absence for Mr. W. B. Wilson until Monday, and for Mr. J. S. Brice until Tuesday.

Mr. STRIBLING asked and obtained leave of absence for Mr. R. F. Smith and for himself until Monday.

Mr. B. R. TILLMAN asked and obtained leave of absence until Monday to attend an important meeting of the Board of Trustees of Winthrop College.

Mr. IRBY asked and obtained leave of absence for Mr. Wharton until Monday.

Mr. SMALLS asked and obtained leave of absence for Mr. Miller for two days, to enable him to attend to some important law business at home.

Mr. FLOYD asked and obtained leave of absence for Mr. Winkler until Monday.

Mr. IRBY asked and obtained leave of absence for himself from to-morrow until Monday.

Mr. DENNIS asked and obtained leave of absence for Mr. Wiggins until Tuesday.

Mr. RAGSDALE asked and obtained leave of absence for himself and Mr. Meares until Monday.

Mr. COOPER asked and obtained leave of absence for himself until Tuesday.

Mr. BEHRE asked and obtained leave of absence for Mr. Garris until Monday.

On motion of Mr. STANYARNE WILSON, at 2:35 P. M. the Convention adjourned until 12 M. to-morrow.

TENTH DAY.

Friday, September 20, 1895.

The Convention assembled at 12 o'clock M.

The Secretary called the roll.

A quorum being present, the Secretary stated that he had a communication from the President saying that a meeting of the Trustees of Winthrop College had called him to Rock Hill, and requested Vice-President Talbert to assume the duties of the chair.

Mr. TALBERT took the chair.

The deliberations were opened with prayer by the Rev. Mr. PARROTT.

The VICE-PRESIDENT proceeded to call by Counties for memorials, petitions and such like papers.

On motion of Mr. GEO. JOHNSTONE, the call by Counties was dispensed with.

Mr. BUIST presented the following resolution, which was considered immediately and agreed to :

A RESOLUTION AUTHORIZING AN AUTOGRAPHIC LIST OF DELEGATES OF THE CONVENTION.

Resolved, That the Secretary of this Convention be, and he is hereby, instructed to prepare and have signed by the members of the body an autographic list of the delegates, arranged according to Counties, and giving the postoffice address and occupation of each member, the same to be filed in the office of the Secretary of State upon the final adjournment of the Convention.

Mr. HEMPHILL presented the account of Charles A. Calvo, Jr., for printing done for the Convention up to date, which was referred to the Committee on Contingent Accounts and Expenses.

RESOLUTIONS.

Mr. ANDERSON introduced the following resolution, which was read the first time and referred to the Committee on Education :

A RESOLUTION TO ESTABLISH AN INDUSTRIAL SCHOOL OR COLLEGE FOR THE HIGHER EDUCATION OF THE COLORED YOUTHS OF THE STATE.

Whereas the diffusion of knowledge as well as virtue among the people tends to make them industrious and law-abiding citizens:

Be it resolved by the people, in convention assembled, that the Legislature shall, as soon as practicable, establish an Industrial School or College for the higher education of the colored boys and girls of this State, which shall not be under the control of any denominational or sectarian society or organization, and the Legislature shall make suitable provision for the support and maintenance of the same.

Mr. MOWER introduced the following ordinance, which was read the first time and referred to the Committee on Judicial Department:

AN ORDINANCE RELATING TO THE JUDICIAL DEPARTMENT.

Be it ordained by the people of the State of South Carolina, in convention assembled, and by the authority of the same, That the following shall constitute Article —— of the Constitution relating to the Judicial Department:

ARTICLE ——.

JUDICIAL DEPARTMENT.

Section 1. The judicial power of the State shall be vested in one Supreme Court, consisting of a Chief Justice and not less than two nor more than four Associate Justices, to be elected by the General Assembly for the term of ten years, and in such Circuit and inferior Courts as the General Assembly may from time to time establish.

Section 2. The judicial power shall extend to all cases arising under this Constitution and the laws of the State.

Section 3. The Supreme Court shall have appellate jurisdiction in all cases under such regulations as the General Assembly may by law prescribe, but no fact tried by a jury, in cases triable by a jury, shall be otherwise re-examined in any Court than according to the rules of the common law: *Provided*, That the said Court shall always have power to issue writs of injunction, mandamus, quo warranto, habeas corpus, and such other original and remedial writs as may be necessary to give it a general supervising control over all other Courts in the State.

Section 4. The Supreme Court shall be held at least once in each year at the seat of the government and at such other place or places in the State as the General Assembly may direct.

Section 5. No Judge shall preside on the trial of any cause in the event of which he may be interested, or where either of the parties shall be connected with him by affinity or consanguinity within such degree as may be prescribed by law, or in which he may have been counsel or have presided in any inferior Court, except by consent of all the parties. In case all or any of the Judges of the Supreme Court shall be thus disqualified from presiding in any cause or causes, the Court or the Judges thereof shall

certify the same to the Governor of the State, and he shall immediately commission, specially, the requisite number of men learned in the law for the trial and determination thereof. The same course shall be pursued in the Circuit and inferior Courts as is prescribed in this Section for cases of the Supreme Court.

Section 6. There shall be appointed by the Judges of the Supreme Court a Reporter and Clerk of said Court, who shall hold their offices for two years, and whose duties and compensation shall be prescribed by law.

Section 7. When a judgment or decree is reversed or affirmed by the Supreme Court, every point made and distinctly stated in writing in the cause and fairly arising upon the record of the case shall be considered and decided, and the reasons therefor shall be concisely and briefly stated in writing and preserved with the record of the case.

Section 8. The Judges of the Supreme Court and Circuit Courts shall at stated times receive a compensation for their services, to be fixed by law, which shall not be diminished during their term of office. They shall not be allowed any fees or perquisites of office, nor shall they hold any other office of trust or profit under this State, the United States, or any other power.

Section 9. No person shall be eligible for the office of Judge of the Supreme Court or Circuit Courts who is not at the time of his election a citizen of the United States and has not attained the age of thirty years and been a resident of this State for five years next preceding his election or from the adoption of this Constitution.

Section 10. All vacancies in the Supreme Court, Circuit or other inferior Courts shall be filled by election as herein prescribed: *Provided*, That if the unexpired term does not exceed one year such vacancy may be filled by Executive appointment. All Judges, by virtue of their office, shall be conservators of the peace throughout the State.

Section 11. In all cases decided by the Supreme Court a concurrence of a majority of the Judges shall be necessary to a decision.

Section 12. The State shall be divided into convenient Circuits, and for each Circuit a Judge shall be elected for the term of ten years, in such manner as the General Assembly may from time to time by law direct, and during his term of office he shall reside in the Circuit of which he is Judge.

Section 13. Judges of the Circuit Court shall interchange Circuits with each other, in such manner as may be determined by law.

Section 14. The Court of Common Pleas shall have exclusive jurisdiction in all cases of divorce and exclusive original jurisdiction in all civil cases and actions *ex delicto* which shall not be made cognizable before an inferior court, and appellate jurisdiction in all such cases as may be provided by law. They shall have power to issue writs of mandamus, prohibition, scire facias, and all other writs which may be necessary for carrying their power fully into effect.

Section 15. The Court of Common Pleas shall sit in each judicial district in this State at least twice in every year, at such stated times and places as may be appointed by law.

Section 16. The Court of General Sessions shall have exclusive jurisdiction over all criminal cases which shall not be otherwise provided for by law. It shall sit in each County in this State at least three times in each year, at such stated times and places as may be appointed by law.

Section 17. The Judges shall not charge juries in respect to matters of fact, but may state the testimony and declare the law.

Section 18. There shall be elected in each County by the qualified electors thereof one Clerk for the Court of Common Pleas, who shall hold his office for the term of four years and until his successor shall be elected and qualified. He shall by virtue of his office be Clerk of all other courts of record held therein, but the General Assembly may provide by law for the election of a clerk with a like term of office for each or any other courts of record, and may otherwise provide for the performance of the duties of such clerk. Clerks of Court shall be removable for such cause and in such manner as shall be prescribed by law.

Section 19. There shall be an Attorney General for the State, who shall perform such duties as may be prescribed by law. He shall be elected by the qualified electors of the State for the term of four years, and shall receive for his services such compensation as may be fixed by law.

Section 20. There shall be one Solicitor for each Circuit, who shall reside therein, to be elected by the qualified electors of the Circuit, who shall hold his office for the term of four years, and shall receive for his service such compensation as may be fixed by law. In all cases where an attorney for the State, of any Circuit, fails to attend and prosecute according to law, the Court shall have power to appoint an attorney *pro tempore.*

Section 21. The qualified electors of each County shall elect a Sheriff and a Coroner, for the term of four years, and until their successors are elected and qualified; they shall reside in their respective Counties during their term of office, and be disqualified for the office for a second term if it should appear that they or either of them are in default for moneys collected by virtue of their respective offices.

Section 22. All writs and processes, and all prosecutions, shall be conducted in the name of the State of South Carolina; all writs shall be attested by the Clerk of the Court from which they shall be issued; and all indictments shall conclude "against the peace and dignity of the State."

Section 23. The General Assembly shall provide by law for the speedy publication of the decisions of the Supreme Court made under this Constitution.

Mr. BUIST introduced the following resolution, which was read the first time and referred to the Committee on Judicial Department:

A RESOLUTION TO AMEND ARTICLE 5 OF THE CONSTITUTION IN RELATION TO MURDER AND MANSLAUGHTER.

Resolved, That Article 5 of the Constitution be amended by adding thereto the following provision:

In all cases of murder or manslaughter where the character of the deceased is called in question the character of the prisoner at the bar shall be in evidence.

Mr. J. S. BRICE introduced the following resolution, which was read the first time and referred to the Committee on Finance and Taxation:

RELATING TO FINANCE AND TAXATION.

Amend Section 8 of Article 9 after the words "the body imposing the same" and before the words "and the General Assembly" by inserting the following, to wit:

But no township, school district, city, town, village, territorial division or political division shall ever subscribe to the capital stock of any railroad company or other enterprise, or issue bonds in aid of the same, and the General Assembly is prohibited from imposing any such debt upon any township, territorial division, school district, city, town or political division of this State.

Mr. MOORE introduced the following ordinance, which was read the first time and referred to the Committee on Corporations:

AN ORDINANCE TO REGULATE THE EXTENSION OF CORPORATE LIMITS OF CITIES, TOWNS AND VILLAGES.

We, the people of the State of South Carolina, in convention assembled, do ordain:

That it shall not be lawful to extend the corporate limits of any city, town or village until a majority of the freeholders, whether resident or not, owning land within the section to be annexed shall have petitioned the Legislature for such annexation.

Mr. FARROW introduced the following ordinance, which was read the first time and referred to the Committee on Corporations:

AN ORDINANCE TO PROVIDE FOR THE LOCATION OF INCORPORATED CITIES, TOWN AND VILLAGES IN THIS STATE SO THAT ALL PORTIONS OF EACH RESPECTIVELY SHALL BE IN THE SAME COUNTY.

Be it ordained, etc., That hereafter no County lines shall be so established as to pass through any incorporated city, town or village of this State, and so place such municipality partly in one County and partly in another or others.

That in all cases where, according to County lines as now established, any city, town or village in this State shall be situated partly in one County and partly in another or others, the electors residing in any such municipality, qualified to vote at a general election for State officers, shall at an election held for that purpose determine in which of such Counties the said municipality shall be wholly located, and upon such election being had and duly certified the respective County lines shall thereupon be deemed as established so as to place said municipality in the County so selected.

That such election shall be ordered by the Mayor or Intendant, or acting Mayor or Intendant, of any such municipality, and shall take place after public notice thereof, given at least thirty days previously, and be conducted by managers to be appointed by him, and by ballot, according to a form to be designated by him; and the said managers shall, within three days after such election, report the result to the Town Council of the muni-

cipality concerned, who shall have the right to hear and determine all appeals, and if it shall deem it necessary to order a new election, and the final result shall be by the Town Council certified to the Secretary of State, to be kept on file by him and recorded. That the General Assembly shall provide by law for the removal of the records pertaining to the portion of the municipality which may thus be placed in another County from that in which such part was before situated to the proper offices at the County seat in which said municipality shall be thus wholly located.

This ordinance shall and may be acted upon by the officers and municipalities concerned without the necessity of awaiting further legislation, but the General Assembly may, from time to time, pass laws for more fully carrying into effect the intent and purposes of the same.

Mr. MOORE introduced the following ordinance, which was read the first time and referred to the Committee on Miscellaneous Matters :

AN ORDINANCE RELATING TO EXEMPTION OF PERSONALTY.

We, the people of the State of South Carolina, in convention assembled, do ordain, That the personal property of any resident of this State who is not married or the head of a family, in specific articles to be selected by such resident, not exceeding in value the sum of two hundred dollars, in addition to his or her wearing apparel, shall be exempt from seizure on attachment, or sale on execution, or other process from any Court issued for the collection of any debt by contract: *Provided*, That no property shall be exempt from execution for debts contracted for the purchase money therefor while in the hands of the vendee.

Mr. MOORE introduced the following ordinance, which was read the first time and referred to the Committee on Legislative Department :

AN ORDINANCE TO COMPEL THE PUBLICATION OF CITY, TOWN AND VILLAGE AFFAIRS BY THE TREASURER OR AUTHORIZED OFFICER.

We, the people of the State of South Carolina, in convention assembled, do ordain, That all incorporated cities, towns and villages shall, through or by the Treasurer or other officer of said cities, towns and villages who by law shall be authorized to receive and pay out the moneys received and collected, publish biennially in County paper an itemized statement of all moneys that have been received or collected and from what source, and all moneys paid out, to whom paid and what for, and the Legislature shall provide for the proper enforcement of the law.

Mr. CLAYTON introduced the following resolution, which was read the first time and referred to the Committee on Suffrage :

THE RIGHT OF SUFFRAGE NOT TO BE DENIED ON ACCOUNT OF SEX.

ARTICLE ——, SECTION ——.

The right of suffrage shall never be denied to any person in this State on account of sex: *Provided, however,* That in addition to the qualifications required of male electors by this Constitution, female electors must be possessed in their own right of property of the value of ($300) three hundred dollars, and be able to read and write.

Mr. OLIVER introduced the following ordinance, which was read the first time and referred to the Committee on Judicial Department:

AN ORDINANCE RELATING TO MECHANICS' LIENS, &c.

Mechanics, artisans and materialmen of every class shall have a lien upon the buildings, ships, vessels and all other property made or repaired by them, or for which they have furnished material, for the value of such labor done or material furnished; and the General Assembly shall provide by law for the speedy and efficient enforcement of such liens.

Mr. J. S. BRICE introduced the following resolution, which was read the first time and referred to the Committee on Counties and County Government:

RESOLUTION RELATING TO THE FORMATION OF NEW COUNTIES.

Be it resolved and ordained by the people of the State of South Carolina, in convention assembled, and by the authority of the same, That the following provision shall constitute Section — of Article — of the Constitution of this State;

Amend the proposed ordinance relating to the formation of new Counties by providing that no new Counties shall be formed containing less than $3,000,000 taxable property, nor less than four hundred and fifty square miles, nor less than 1-60th of the population of the State, nor shall any line of the proposed County run nearer than nine miles to an existing County seat, nor unless three-fourths of the qualified voters in the proposed new County shall, at an election called for the purpose, vote in favor of the same: *And provided, further,* That in the event the above conditions and qualifications are complied with, the new County shall not be constituted until the General Assembly shall by Act constitute the same formation of the new County; and as to the location of lines and the boundaries of the proposed new County, the General Assembly may reject or alter, change or amend the same, or in lieu of rejection, or alteration or amendment by the Legislature, provided that the same may be formed on a majority vote of the County or Counties affected by the formation of the proposed new County.

Mr. HAMEL introduced the following ordinance, which was read the first time and referred to the Committee on Counties and County Government :

AN ORDINANCE PROVIDING THAT THE LEGISLATURE SHALL ESTABLISH NEW COUNTIES WHEN CERTAIN PROVISIONS ARE COMPLIED WITH.

Be it ordained by the people of South Carolina, in convention assembled, and by the authority of the same, That in the formation of new Counties, after the adoption and ratification of this Constitution, the following provisions shall govern :

First. That new Counties may be established by the division of an existing County or by union of parts of existing Counties ; but no new County so established shall contain an area of less than four hundred square miles, nor shall any existing County be reduced below such area, nor shall the lines of any new County run nearer than ten miles to any existing Court House.

Second. There shall be embraced within the limits of the proposed new County a population of not less than twelve thousand persons, and taxable property of the value of not less than one million dollars.

Third. That when one hundred taxpayers residing within the limits of the proposed new County, who pay taxes upon personal or real property to the value of one hundred dollars, shall apply to the Governor of the State for the formation of said County, it shall be his duty to order an election by the people within the limits of the proposed new County, giving notice of said election in at least one newspaper in each County out of which the proposed new County is to be formed for the space of sixty days preceding said election ; and if, when the election is held, a majority of the qualified voters residing within the proposed new County shall have cast their ballots in favor of establishing the same, it shall be the duty of the Legislature, at its first session following said election, upon the production of proof that the foregoing conditions have been complied with, to grant permission for the said County to be established, and it shall provide means for the laying out of said County and order an election for naming it and choosing a site for the Court House by a majority of the people residing within the proposed limits.

Mr. ESTRIDGE introduced the following resolution, which was read the first time and referred to the Committee on Jurisprudence :

RESOLUTION REQUIRING THAT ALL THE EXPENSES OF THE COURT OF GENERAL SESSIONS FOR EACH COUNTY BE PAID BY THE STATE.

Be it resolved by the people of the State of South Carolina, in convention assembled, and by the authority of the same, That from and after the adoption and ratification of this Constitution all the expenses of the Court of General Sessions for each County shall be paid out of the funds in the State Treasury.

Mr. HAMEL introduced the following resolution, which was read the first time and referred to the Committee on Legislative Department :

RESOLUTION RELATING TO THE HOMESTEAD.

Be it resolved by the people of South Carolina, in convention assembled, and by the authority of the same, That the following shall constitute part of Section —— of the Constitution of this State :

That there shall be set apart for the uses and benefits of every head of a family, or guardian or trustee of a family of minor children, or for every aged and infirm person, or any maimed person who is not the head of a family, real or personal property, either or both, as he may elect, to an amount not exceeding fifteen hundred dollars ($1,500), which said property shall be exempt from levy and sale by any process except for taxes, purchase money or improvements on said property : *Provided*, That the debtor may have the right to mortgage, sell or otherwise dispose of said property as he may see fit.

Mr. McMAHAN introduced the following ordinance, which was read the first time and referred to the Committee on Miscellaneous Matters :

ORDINANCE TO FORBID DISCRIMINATION ON ACCOUNT OF RELIGION.

Whereas it is tyranny to put restraint upon the conscience, and it is bad policy to set a premium on hypocrisy ;

Be it ordained by the people of South Carolina, through their delegates in convention assembled, No person shall be debarred from being a witness or a juryman, or from voting, or holding office, or from any other right or privilege enjoyed by any other citizen of this State, on account of his opinions respecting religion.

Mr. D. S. HENDERSON introduced on September 11th the following resolution, which was read the first time September 11th and referred to the Committee on Municipal Corporations and Police Regulations :

RESOLUTION AS TO THE EXERCISE OF SUFFRAGE IN THE CITIES, TOWNS AND VILLAGES OF THE STATE.

Be it resolved and ordained by the people of the State of South Carolina, in convention assembled, and by the authority of the same, That the following provision shall constitute Section — of Article — of the Constitution of the State :

Section 1. In all elections held by the people in incorporated cities, towns and villages of the State for officers thereof, electors shall vote by ballot ; and every male inhabitant of such cities, towns and villages twenty-one years of age and upwards, except idiots, insane persons and paupers, who shall have been a resident of the State for twelve months and of the city,

town or village in which he offers to vote for six months, and of the voting precinct or ward for one month, and who has never been convicted of treason, murder, robbery, dueling, bribery, burglary, arson, obtaining money or goods under false pretense, perjury, larceny, embezzlement, forgery or bigamy, and who shall be able to read any Article of this Constitution or any Section of the Statutes of this State, and who can write his own name, or who in his own right shall be possessed of taxable property in such city, town or village of the value of one thousand dollars as appears on the tax books, and who has paid all of his taxes to said city, town or village, shall be deemed qualified as a voter, and on registering as provided by law shall be entitled to vote at all elections by the people for the officers in such city, town or village.

Section 2. That in all elections in incorporated cities, towns and villages of this State for the purpose of bonding the same, or for raising revenue, the voters of said cities, towns or villages, who are qualified according to the preceding Section, and are real estate owners in such cities, towns and villages, or authorized agents of real estate owners thereof, shall be deemed qualified to vote in such elections.

Section 3. The General Assembly shall provide by law for the registration of all electors or persons qualified to vote in the elections to be held in incorporated cities, towns and villages, and suitable remedies by appeal or otherwise shall be provided for the correction of improper registration, and for securing registration to any to whom it may be improperly denied, and no person shall be allowed to vote who shall not have registered according to law. Registration by the proper officer is hereby declared a condition prerequisite to the exercise of the suffrage in such elections.

Mr. OTTS introduced on September 12th the following resolution, which was read the first time September 12th and referred to the Committee on Municipal Corporations and Police Regulations:

A RESOLUTION TO PREVENT THE AIDING OF ANY RAILROAD OR OTHER CORPORATION BY COUNTIES, CITIES, TOWNS AND OTHER MUNICIPAL CORPORATIONS SUBSCRIBING TO THE CAPITAL STOCK THEREOF.

Be it ordained, in convention assembled: SECTION ——. No County, city, town, or other municipal corporation shall hereafter become a subscriber to the capital stock of any railroad or other corporation, or make appropriation or loan its credit in aid of such railroad or corporation. All authority heretofore conferred for any of the purposes aforesaid by the Legislature, or by the charter of any corporation, is hereby repealed. Nothing in this Section contained shall affect the right of any corporation, municipality or County to make such subscription where the same has been authorized under laws existing at the time of the adoption of this Constitution, and by a vote of the people thereof had prior to its adoption, and where the terms of submission and subscription have been or shall be complied with, or to prevent the issue of renewal bonds or the use of such other means as are or may be prescribed by law for the payment or liquidation of such subscription or of any existing indebtedness.

REPORTS OF STANDING COMMITTEES.

Mr. STANYARNE WILSON, from the Committee on Judicial Department, submitted an unfavorable report on the "resolution proposing an Article in the Constitution to re-establish the whipping post," which was considered immediately. The unfavorable report of the Committee was adopted and the resolution was rejected.

Also, an unfavorable report on a "resolution relating to bribery," which was considered immediately. The unfavorable report of the Committee was adopted and the resolution rejected.

Also, an unfavorable report on a "resolution to prohibit public trial of certain cases." The unfavorable report of the Committee was considered immediately and the resolution rejected.

Also, an unfavorable report on an ordinance "providing for keeping records of marriages." The unfavorable report of the Committee was considered immediately and the ordinance rejected.

Mr. STANYARNE WILSON, for the Committee on Judicial Department, submitted the following report:

REPORT OF THE COMMITTEE ON JUDICIAL DEPARTMENT ON RESOLUTION RELATING TO MARRIED WOMAN'S PROPERTY.

The Committee on Judicial Department, to whom was referred a resolution relating to married woman's property, now Section 8, Article 14, of the present Constitution, respectfully report that they have carefully considered the same, and recommend that this Committee be discharged from the further consideration thereof, and that it be referred to the Committee on Miscellaneous Matters.

All of which is respectfully submitted.

STANYARNE WILSON,
For Committee.

Which was considered immediately and agreed to.

Mr. STANYARNE WILSON, for the Committee on Judicial Department, submitted the following report:

REPORT OF THE COMMITTEE ON JUDICIAL DEPARTMENT ON RESOLUTION TO DEFINE THE RIGHTS OF MARRIED WOMEN AS TO PROPERTY.

The Committee on Judicial Department, to whom was referred a resolution to define the rights of married women as to property, respectfully report that they have carefully considered the same, and recommend that they be discharged from the further consideration of the same, and that it be referred to the Committee on Miscellaneous Matters.

All of which is respectfully submitted.

STANYARNE WILSON,
For Committee.

Which was considered immediately and agreed to.

Mr. STANYARNE WILSON, for the Committee on Judicial Department, submitted the following report:

REPORT OF THE COMMITTEE ON JUDICIAL DEPARTMENT ON RESOLUTION AS TO THE OATH OF OFFICE.

The Committee on Judicial Department, to whom was referred a resolution as to the oaths to be taken by all the officers to be elected or appointed, respectfully report that they have carefully considered the same, and recommend that they be discharged from the further consideration thereof, and that the same be referred to the Committee on Legislative Department.

All of which is respectfully submitted.

STANYARNE WILSON,
For Committee.

Which was considered immediately and agreed to.

Mr. STANYARNE WILSON, for the Committee on Judicial Department, submitted the following report:

REPORT OF THE COMMITTEE ON JUDICIAL DEPARTMENT ON RESOLUTION TO REGULATE ELECTIONS AND FIX THE TERM OF OFFICE.

The Committee on Judicial Department, to whom was referred a resolution to regulate elections and fix the terms of officers, respectfully report that they have carefully considered the same, and recommend that they be discharged from the further consideration thereof, and that the same be referred to the Committee on Legislative Department.

All of which is respectfully submitted.

STANYARNE WILSON,
For Committee.

Which was considered immediately and agreed to.

Mr D. S. HENDERSON, for Committee on Municipal Corporations and Police Regulations, submitted the following report, which was read the first time and ordered for consideration to-morrow:

REPORT OF COMMITTEE ON MUNICIPAL CORPORATIONS AND POLICE REGULATIONS.

To the Honorable the Constitutional Convention of the State of South Carolina:

The Committee on Municipal Corporations and Police Regulations ask leave to report that they have carefully considered the various resolutions referred to them and the general subject of municipal corporations and police regulations, and herewith present as the result of their deliberations a proposed Article for the Constitution.

The Committee herewith returns the following papers submitted to them:

1. Resolution of Mr. D. S. Henderson as to suffrage in cities and towns. It has never been printed, and should be printed along with the Article.

2. Resolution of Mr. J. C. Otts as to preventing aid to railroads. It should also be printed.

3. Resolution of Mr. Aldrich as to female suffrage. Page 4 of the Journal of the 14th September.

4. Resolution of Mr. Lybrand as to the liquor traffic. Page 11 of the Journal of the 17th September.

5. Resolution of Mr. McCown as to the liquor traffic. Page 9 of the Journal of the 13th September.

6. Resolution of Mr. Efird as to the same. Page 7 of the Journal of the 13th September.

Respectfully submitted. D. S. HENDERSON, Chairman.

Municipal Corporations and Police Regulations.

ARTICLE ——

Section 1. The Legislature shall provide by general laws for the organization and classification of municipal corporations. The powers of each class shall be defined by general laws, so that no such corporation shall have any powers or be subject to any restrictions other than all corporations of the same class. Cities and towns now existing under special charters may abandon the same and reorganize under the general laws of the State.

Section 2. No city or town shall be organized without the consent of the majority of the electors residing and entitled by law to vote within the district proposed to be incorporated; such consent to be ascertained in the manner and under such regulations as may be prescribed by law.

Section 3. The Legislature shall restrict the powers of cities and towns to levy taxes and assessments, to borrow money, and to contract debts; and no tax or assessment shall be levied or debt contracted except in pursuance of law for public purposes specified by law.

Section 4. No law shall be passed by the General Assembly granting the right to construct and operate a street or other railway, telegraph, telephone or electric plant, or to erect water or gas works for public uses, and to lay mains for any purpose, without first obtaining the consent of the local authorities in control of the streets or public places proposed to be occupied for any such or like purpose.

Section 5. The General Assembly may vest the authorities of cities and towns with power to make local improvements by special assessment or by special taxation of property benefited.

Section 6. Cities and towns may acquire by construction or purchase, and may operate, water works systems and plants for furnishing lights, and may furnish water and lights to individuals, firms and private corporations for reasonable compensation.

Section 7. Whenever any municipal Court is authorized and empowered to punish violators of city or town ordinances by a term of imprisonment, it shall be competent for the presiding officer of said Court to couple with said imprisonment hard labor upon the streets or public works of said city or town, to be performed under such supervision and regulation as may be prescribed by ordinance.

Section 8. The corporate authorities of cities and towns in this State shall be vested with power to assess and collect taxes for corporate purposes, said taxes to be uniform in respect to persons and property within the jurisdiction of the body composing the same, and all the property, except such as is exempt by law, within the limits of cities and towns shall be taxed for the payment of debts contracted under authority of law. License or privileged taxes imposed shall be graduated so as to secure a just distribution of such tax in and among the classes thereto.

Section 9. No city or town in this State shall hereafter incur any bonded debt which, including existing bonded indebtedness, shall exceed ten per centum of the assessed value of the taxable property therein, and no such debt shall be created without submitting the question as to the creation thereof to the qualified voters of such city or town, as provided in this Constitution for such special elections; and unless a majority of such electors voting on the question shall be in favor of creating such further bonded debt none shall be created: *Provided,* That this Section shall not be construed to prevent the issuing of certificates of indebtedness or revenue bonds issued in anticipation of the collection of taxes for amounts actually contained or to be contained in the taxes for the year when such certificates are issued and payable out of such taxes: *And provided, further,* That such cities and towns shall, on the issuing of such bonds, create a sinking fund for the redemption thereof at maturity.

Section 10. That cities and towns may be exempt from taxation, except for school purposes, for five successive years manufactories established within their limits, after the adoption of this Constitution, whose paid up capital is not less than $10,000.

Section 11. The constituted authorities of all incorporated cities and towns in this State shall have the power to adopt such ordinances and regulations as may be necessary for the protection of the lives, liberty, health and property of their citizens, and for the preservation of good order and the public morals therein: *Provided,* Such ordinances and regulations be duly promulgated and be not inconsistent with the provisions of this Constitution and the Acts of the General Assembly.

Section 12. No armed police force, or armed representatives of a detective agency, or armed body or unarmed body of men, shall ever be brought into this State for the suppression of domestic violence except upon the consent of the Executive of this State, and the General Assembly shall provide proper penalties for the enforcement of the same.

Section 13. The General Assembly shall have the power to create boards of health wherever they may be necessary, giving to them power and authority to make such regulations as shall protect the health of the community and abate nuisances.

Section 14. In the exercise of the police power the General Assembly shall have the right to prohibit the manufacture and sale and retail of intoxicating liquors or beverages within the State; the General Assembly may license persons or corporations to manufacture and sell and retail intoxicating liquors or beverages within the State under such rules and restrictions as it deems proper, or the General Assembly may prohibit the manufacture and sale and retail of intoxicating liquors and beverages within the State, and may authorize and empower State and County officers, both

or either, under the authority and in the name of the State, to buy in any market and retail within the State liquors and beverages in such packages and quantities under such rules and regulations as it deems expedient.

Section 15. All prize fighting is prohibited in this State; and the Legislature shall provide by proper laws for the prevention and punishment of the same.

Section 16. In all elections held by the people in incorporated cities and towns of this State for officers thereof, electors shall vote by ballot; and every male inhabitant of such cities and towns twenty-one years of age and upwards, except idiots, insane persons and paupers, who shall have been a resident of the State for twelve months, and of the city or town in which he offers to vote for six months, and of the voting precinct or ward for one month, and who has never been convicted of treason, robbery, dueling, bribery, burglary, arson, obtaining money or goods under false pretenses, larceny, embezzlement, forgery or bigamy, and who shall be able to read any Article of this Constitution or any Section of the Statutes of this State, or who can explain the same satisfactorily when read to him by the registration officer or officers, or who can write his own name, or who in his own right shall be possessed of taxable property in such city or town of the value of $300, as appears on the tax books, and who has paid all of his taxes to said city or town, shall be deemed qualified as a voter, and on registering as provided by law shall be entitled to vote at all elections by the people for the officers in such city or town.

Section 16. The General Assembly shall provide by law for the registration of all electors or persons qualified to vote in the elections to be held in the incorporated cities and towns. Registration by the proper officer or officers is hereby declared to be a condition prerequisite to the exercise of the suffrage in such election.

Section 17. At any special election in the incorporated cities and towns of this State for the purpose of bonding the same or for raising revenue, all resident owners of property in said cities and towns, regardless of sex, of the assessed value of $300 and who are over twenty-one years of age, shall alone be entitled to vote. The production of a tax receipt, signed by the proper officer, shall be conclusive evidence as to said property qualification.

Mr. SLIGH, for the Committee on Legislative Department, submitted the following report, which was read the first time and ordered for consideration to-morrow :

REPORT OF LEGISLATIVE COMMITTEE.

To the President and Members of this Convention:

The Committee on Legislative Department respectfully report the accompanying document, consisting of 37 Sections, and recommend its adoption as Article two (2) of the Constitution.

All of which is respectfully submitted.

J. A. SLIGH, Chairman.

ARTICLE 2.

Legislative Department.

Section 1. The Legislative power of this State shall be vested in two distinct branches, the one to be styled the "Senate," and the other the "House of Representatives," and both together the "General Assembly of the State of South Carolina."

Section 2. The House of Representatives shall be composed of members chosen by ballot every fourth year by citizens of this State, qualified as in this Constitution is provided.

Section 3. The House of Representatives shall consist of one hundred and twenty-four members, to be apportioned among the several Counties according to the number of inhabitants contained in each. Each County shall consist of one election district. An enumeration of the inhabitants for this purpose shall be made in 1901, and shall be made in the course of every tenth year thereafter, in such manner as shall be by law directed: *Provided,* That the General Assembly may at any time in its discretion adopt the immediately preceding United States census as a true and correct enumeration of the inhabitants of the several Counties, and make the apportionment or assignment of Representatives among the several Counties according to said enumeration: *Provided,* That until the apportionment which shall be made upon the next enumeration shall take effect, the representation of the several Counties as they now exist (including the County of Saluda established by ordinance) shall be as follows:

Abbeville, 5; Aiken, 3; Anderson, 5; Barnwell, 5; Beaufort, 7; Berkeley, 6; Charleston, 7; Chester, 3; Chesterfield, 2; Clarendon, 2; Colleton, 4; Darlington, 3; Edgefield, 3; Fairfield, 3; Florence, 3; Georgetown, 2; Greenville, 5; Hampton, 2; Horry, 2; Kershaw, 2; Lancaster, 2; Laurens, 3; Lexington, 2; Marion, 3; Marlboro, 3; Newberry, 3; Oconee, 2; Orangeburg, 5; Pickens, 2; Richland, 4; Saluda, 2; Spartanburg, 6; Sumter, 5; Union, 3; Williamsburg, 3; York, 4: *Provided,* That in the event other Counties are hereafter established, then the General Assembly shall reapportion the Representatives between the Counties.

Section 4. In assigning Representatives to the several Counties, the General Assembly shall allow one Representative to every one hundred and twenty-fourth part of the whole number of inhabitants in the State: *Provided,* That if in the apportionment of Representatives any County shall appear not to be entitled, from its population, to a Representative, such County shall, nevertheless, send one Representative; and if there be still a deficiency of the number of Representatives required by Section 3 of this Article, such deficiency shall be supplied by assigning Representatives to those Counties having the largest surplus fractions.

Section 5. No apportionment of Representatives shall be construed to take effect in any manner until the general election which shall succeed such apportionment.

Section 6. The Senate shall be composed of one member from each County, to be elected for the term of four years by the qualified voters of the State in the same manner in which members of the House of Representatives are chosen.

Section 7. No person shall be eligible to a seat in the Senate or House of Representatives who at the time of his election is not a citizen of the United States, nor any one who has not been for one year next preceding his election a resident of this State, and for three months next preceding his election a resident of the County whence he may be chosen, nor any one who has been convicted of an infamous crime. Senators shall be at least twenty-five and Representatives at least twenty-one years of age.

Section 8. The first election for Senators and Representatives under this Constitution shall be held on Tuesday after the first Monday in November, A. D. 1896, in such manner and at such places as the General Assembly shall provide, and on every fourth year thereafter.

Section 9. The first session of the General Assembly elected under this Constitutian shall be convened in Columbia on the fourth Tuesday in November, A. D. 1896, and thereafter annually at the same time and place. Should the casulties of war or contagious diseases render it unsafe to meet at the seat of government, then the Governor may, by proclamation, appoint a more secure and convenient place of meeting.

Section 10. The terms of office of the Senators and Representatives chosen at a general election shall begin on the Monday following such election.

Section 11. Each House shall judge of the election returns and qualifications of its own members, and a majority of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as may be provided by law or rule.

Section 12. Each House shall choose its own officers, determine its rules of proceeding, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member, but not a second time for the same cause.

Section 13. Each House may punish by imprisonment, during its sitting, any person not a member who shall be guilty of disrespect to the House by any disorderly or contemptuous behavior in its presence, or who, during the time of its sitting, shall threaten harm to body or estate of any member for anything said or done in either House, or who shall assault any of them therefor, or who shall assault or arrest any witness or other person ordered to attend the House in his going thereto or returning therefrom, or who shall rescue any person arrested by order of the House: *Provided*, That such time of imprisonment shall not in any case extend beyond the session of the General Assembly.

Section 14. The members of both Houses shall be protected in their persons and estates during their attendance on, going to and returning from the General Assembly, and ten days previous to the sitting, and ten days after the adjournment thereof. But these privileges shall not be extended so as to protect any member who shall be charged with treason, felony or breach of the peace.

Section 15. Bills for raising a revenue shall originate in the House of Representatives, but may be altered, amended or rejected by the Senate; and all other Bills may originate in either House, and may be amended, altered or rejected by the other.

Section 16. The style of all laws shall be: "Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same."

Section 17. Every Act or Resolution having the force of law shall relate to but one subject, and that shall be expressed in the title.

Section 18. No Bill shall have the force of law until it shall have been read three times, and on three several days, in each House, has had the Great Seal of the State affixed to it, and has been signed by the President of the Senate and the Speaker of the House of Representatives.

Section 19. No money shall be drawn from the Treasury but in pursuance of an appropriation made by law, and a regular statement and account of the receipts and expenditures of all public moneys shall be published annually, in such manner as may be by law directed.

Section 20. Each member of the General Assembly elected under this Constitution shall receive three dollars per diem while in regular or extra session, and the further sum of five cents for every mile of the ordinary route of travel in going to and returning from the place where such session is held.

Section 21. In all elections by the General Assembly, or either House thereof, the members shall vote *viva voce*, and their votes, thus given, shall be entered upon the Journal of the House to which they respectively belong.

Section 22. Neither House, during the session of the General Assembly, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the Assembly shall be at the time sitting.

Section 23. Each House shall keep a Journal of its own proceedings, and cause the same to be published immediately after its adjournment, excepting such parts as in its judgment may require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of any ten members of the House or five members of the Senate respectively, be entered on the Journals. Any member of either House shall have liberty to dissent from, and protest against, any Act or Resolution which he may think injurious to the public or to an individual, and have the reasons of his dissent entered on the Journals.

Section 24. The doors of each House shall be open, except on such occasions as in the opinion of the House may require secrecy.

Section 25. No person shall be eligible to a seat in the General Assembly whilst he holds any office or position of profit or trust under this State, the United States of America, or any of them, or under any other power, except officers in the militia, Magistrates, or Justices of inferior Courts, while such Justices receive no salary. And if any member shall accept or exercise any of the said disqualifying offices or positions, he shall vacate his seat.

Section 26. If any election district shall neglect to choose a member, or members, on the day of election, or if any person chosen a member of either House shall refuse to qualify and take his seat, or shall resign, die, depart the State, accept any disqualifying office or position, or become otherwise disqualified to hold his seat, a writ of election shall be issued by the President of the Senate or Speaker of the House of Representatives, as the case may be, for the purpose of filling the vacancy thereby occasioned for the remainder of the term for which the person so refusing to qualify, resign-

ing, dying, departing the State, or becoming disqualified, was elected to serve, or the defaulting election district ought to have chosen a member or members.

Section 27. Members of the General Assembly, and all officers, before they enter upon the execution of the duties of their respective offices, and all members of the bar, before they enter upon the practice of their professions, shall take and subscribe the following oath:

"I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been elected (or appointed), and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect and defend the Constitution of this State and of the United States.

"I do further solemnly swear (or affirm) that I have not since 18— engaged in a duel, as principal or second, or otherwise, and that I will not during the term of office to which I have been elected (or appointed) engage in a duel, as principal or second, or otherwise. So help me God."

Section 28. Officers shall be removed for incapacity, misconduct or neglect of duty in such manner as may be provided by law when no mode of trial or removal is provided in this Constitution.

Section 29. The General Assembly shall enact such laws as will exempt from attachment and sale under any mesne or final process issued from any Court, to the head of any family residing in this State, a homestead in lands, whether held in fee or any lesser estate, not to exceed in value one thousand dollars, with the yearly products thereof; and every head of a family residing in this State, whether entitled to a homestead exemption in lands or not, personal property not to exceed in value the sum of five hundred dollars: *Provided*, That in case any woman having a separate estate shall be married to the head of a family who has not of his own sufficient property to constitute a homestead as hereinbefore provided, said married woman shall be entitled to a like exemption as provided for the head of a family: *Provided, further*, That there shall not be an allowance of more than one thousand dollars' worth of real estate and more than five hundred dollars' worth of personal property to the husband and wife jointly: *Provided*, That no property shall be exempt from attachment, levy or sale for taxes, or for payment of obligations contracted for the purchase of said homestead or the erection of improvements thereon: *Provided, further*, That the yearly products of said homestead shall not be exempt from attachment, levy or sale for the payment of obligations contracted in the production of the same: *Provided, further*, That no waiver shall defeat the right of homestead except it be by deed or mortgage, and only as against the mortgage debt; but after a homestead has been claimed, set aside and recorded, it shall not be mortgaged, sold or conveyed except by order of a Court of records, and the proceeds shall be invested in another homestead.

Section 30. All taxes upon property, real or personal, shall be laid upon the actual value of the property taxed, as the same shall be ascertained by an assessment made for the purpose of laying such tax.

Section 31. The General Assembly shall never grant extra compensation, fee or allowance to any public officer, agent, servant, or contractor, after service rendered, or contract made, nor authorize payment or part payment

of any claim under any contract not authorized by law; but appropriations may be made for expenditures in repelling invasion, preventing or suppressing insurrection.

Section 32. All lands belonging to or under the control of the State shall never be donated, directly or indirectly, to private corporations or individuals or to railroad companies; nor shall such land be sold to corporations or associations for a less price than that for which it is subject to sell to individuals. This, however, shall not prevent the General Assembly from granting a right of way not exceeding one hundred feet in width as a mere easement to railroads across State land.

Section 33. The General Assembly shall not authorize payment to any person of the salary of a deceased officer beyond the date of his death.

Section 34. The marriage of a white person with a negro or mulatto, or person who shall have one-eighth or more of negro blood, shall be unlawful and void.

Section 35. That the right of dower in any and all lands aliened by the husband during the coverture be, and the same is hereby, abolished.

Section 36. The General Assembly of this State shall not enact local or special laws concerning any of the following subjects, or for any of the following purposes, to wit:

1. To change the names of persons or places.
2. To lay out, open, alter or work roads or highways.
3. To incorporate cities, towns or villages, or change, amend or extend the charter thereby.
4. To incorporate educational, religious, charitable, social, manufacturing or banking institutions.
5. To incorporate school districts.
6. To authorize the adoption of legitimation of children.
7. To provide for the protection of game.
8. To summon and empanel grand and petit jurors.
9. To provide for the age at which citizens shall be subject to road or other public duty.
10. To fix the amount or manner of compensation to be paid to any County officer, except that the laws may be so made as to grade the compensation in proportion to the population and necessary service required.
11. In all other cases, where a general law can be made applicable no special law shall be enacted.

Section 37. No member of the General Assembly of this State during the term for which he was elected shall be eligible to any office to be filled by an election by the General Assembly, and no Judge in this State during his term of office shall be eligible to any other than a judicial office.

Mr. STANYARNE WILSON, for the Committee on Judicial Department, submitted the following unfavorable report on a "resolution as to judgments," which was ordered for consideration tomorrow:

REPORT OF THE COMMITTEE ON JUDICIAL DEPARTMENT ON RESOLUTION AS TO JUDGMENTS.

The Committee on Judicial Department, to whom was referred a resolution as to judgments, respectfully report that they have carefully considered the same, and recommend that the same be not adopted, the subject thereof being purely legislative.

All of which is respectfully submitted.

STANYARNE WILSON, for Committee.

Mr. W. D. EVANS, for the Committee on Finance and Taxation, submitted the following report, which was read the first time and ordered for consideration to-morrow :

REPORT OF THE COMMITTEE ON FINANCE AND TAXATION ON ARTICLE IX OF CONSTITUTION.

The Committee on Finance and Taxation, to whom was referred Article IX of the Constitution, respectfully report that they have carefully considered the same, and recommend that the within report be adopted as Article IX of the Constitution.

All of which is respectfully submitted.

W. D. EVANS, for Committee.

ARTICLE IX.

FINANCE AND TAXATION.

Section 1. The General Assembly shall provide by law for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, real, personal and possessory, except mines and mining claims, the proceeds of which alone shall be taxed; and also excepting such property as may be exempted by law for municipal, educational, literary, scientific, religious or charitable purposes: *Provided, however,* That the General Assembly may impose a capitation tax upon such domestic animals as, from their nature and habits, are destructive of other property : *And provided, further,* That the General Assembly may provide for a tax on incomes.

Section 2. The General Assembly shall provide for the annual collection of a poll tax of one dollar from every male inhabitant of this State who is over the age of twenty-one years, which tax shall be used exclusively for common school purposes in the County where it is collected, and shall also provide for the annual collection of a tax of not less than two mills on every dollar of taxable property in this State, which shall also be used exclusively for common school purposes in the County where collected ; and the Common School Fund, except that raised by special enactment, shall be apportioned according to scholastic population, as may be provided for by law : *Provided,* That at no time shall the General Assembly appropriate for the support of institutions of higher education a sum exceeding one-sixth of the amount raised from the poll tax and constitutional tax for common schools.

Section 3. The General Assembly shall provide for an annual tax sufficient to defray the estimated expenses of the State for each year; and whenever it shall happen that such ordinary expenses of the State for any year shall exceed the income of the State for such year, the General Assembly shall provide for levying a tax for the ensuing year sufficient, with other sources of income, to pay the deficiency of the preceding year, together with the estimated expenses of the ensuing year.

Section 4. No tax shall be levied except in pursuance of a law, which shall distinctly state the object of the same; to which object such tax shall be applied.

Section 5. It shall be the duty of the General Assembly to enact laws for the exemption from taxation of all County, township and municipal property used exclusively for public purposes and not for private gain, and of all public schools, colleges and institutions of learning, all charitable institutions in the nature of asylums for the infirm, deaf and dumb, blind, idiotic and indigent persons, except where the profits of the institutions are applied to private uses, all public libraries, churches, and burying grounds; but property of associations and societies, although connected with charitable objects, shall not be exempt from State, County or municipal taxation: *Provided,* That this exemption shall not extend beyond the buildings and premises actually occupied by such schools, colleges, institutions of learning, asylums, libraries, churches and burial grounds, although connected with charitable objects.

Section 6. The corporate authorities of Counties, school districts, cities, towns and villages may be vested with power to assess and collect taxes for corporate purposes; such taxes to be uniform in respect to persons and property within the jurisdiction of the body imposing the same. And the General Assembly shall require that all the property, except that heretofore exempted, within the limits of municipal corporations shall be taxed for the payment of debts contracted under authority of law. Any bonded debt hereafter incurred by any County, municipal corporation or political division of this State shall never exceed 8 per centum of the assessed value of all the taxable property therein.

Section 7. The credit of the State shall not be pledged or loaned to any individual, company, association or corporation; and the State shall not become a joint owner or stockholder in any company, association or corporation. The General Assembly shall not have power to delegate to any County or township the right to levy tax for any purpose except for educational purposes, to build and repair public roads, buildings and bridges, to maintain and support prisoners, pay jurors, County officers, and for litigation, quarantine and expenses of Courts, to support paupers and pay debts heretofore existing.

Section 8. The property or credit of any County, city, town, township, school district, or other subdivision of the State, or any public money, from whatever source derived, shall not, by gift, donation, loan, contract, appropriation or otherwise, be used, directly or indirectly, in aid or maintenance of any college, school, orphan house or other institution, society or organization, of whatever kind, which is wholly or in part under the direction or control of any church or of any religious or sectarian denomination, society or organization.

Section 9. The General Assembly shall provide for the incorporation and organization of cities and towns, and shall restrict their powers of taxation, borrowing money, contracting debts and loaning their credit.

Section 10. No scrip, certificate or other evidence of State indebtedness shall be issued except for the redemption of stock, bonds or other evidences of indebtedness previously issued, or for such debts as are expressly authorized in this Constitution.

Section 11. An accurate statement of the receipts and expenditures of the public money shall be published with the laws of each regular session of the General Assembly, in such manner as may by law be directed.

Section 12. No money shall be drawn from the Treasury but in pursuance of appropriations made by law.

Section 13. The fiscal year shall commence on the first day of November in each year.

Section 14. To the end that the public debt of South Carolina may not hereafter be increased without the due consideration and free consent of the people of the State, the General Assembly is hereby forbidden to create any further debt or obligation, either by the loan of the credit of the State by guaranty, endorsement or otherwise, except for the ordinary and current business of the State, without first submitting the question as to the creation of such new debt, guaranty, endorsement or loan of its credit to the people of this State at a general State election; and unless two-thirds of the qualified voters of this State voting on the question shall be in favor of a further debt, guaranty, endorsement or loan of its credit none shall be created or made. And any debt contracted by the State shall be by loan on State bonds, of amounts not less than fifty dollars, each bearing interest, payable within twenty years after the final passage of the law authorizing such debt. A correct registry of all such bonds shall be kept by the Treasurer in numerical order, so as to always exhibit the number and amount unpaid, and to whom severally made payable. And the General Assembly shall levy an annual tax sufficient to pay the annual interest on said bonds.

Section 15. Suitable laws shall be passed by the General Assembly for the safe keeping, transfer and disbursement of the State, County and school funds; and all officers and other persons charged with the same shall keep an accurate entry of each sum received, and of each payment and transfer, and shall give such security for the faithful discharge of such duties as the General Assembly may provide. And it shall be the duty of the General Assembly to pass laws making embezzlement of such funds a felony, punishable by fine and imprisonment, proportioned to the amount of the deficiency or embezzlement, and the party convicted of such felony shall be disqualified from ever holding any office of honor or emolument in this state: *Provided, however,* That the General Assembly, by a two-thirds vote, may remove the disability upon payment in full of the principal and interest of the sum embezzled.

Section 16. No debt contracted by this State in behalf of the late civil war, in whole or in part, shall ever be paid.

Section 17. To the end that there shall be but one annual valuation of property for taxation, the General Assembly sball provide by law for the assessing and collection of all County, township, school district and municipal taxes on the valuation of property for State taxes.

Mr. EFIRD, for the Committee on Executive Department, submitted the following report, which was read the first time and ordered for consideration to-morrow :

REPORT OF THE COMMITTEE ON THE EXECUTIVE DEPARTMENT.

To the Constitutional Convention of the State of South Carolina:

On behalf of the Standing Committee on the Executive Department, I beg leave to submit herewith as the reports of the Committee an Article on that subject.

We have had referred to us the following resolutions:

By Mr. Ragsdale, printed in Friday's Journal, September 13, page 19.

By Mr. Aldrich, printed in Friday's Journal, September 13, page 27.

By Mr. Gray, printed in Friday's Journal, September 13, page 42.

By Mr. Russell, printed in Monday's Journal, September 16, page 9.

By Mr. Smoake, printed in Monday's Journal, September 16, page 13.

By Mr. Reed, printed in Monday's Journal, September 17, pages 9 and 10.

By Mr. Rogers, printed in Wednesday's Journal, September 18, page ——.

All of which resolutions have been carefully considered by the Committee and are herewith returned to the Convention.

The Committee grant leave to Mr. Efird, Mr. Estridge, Mr. Douglass, and Mr. Connor to submit a minority report.

Respectfully submitted,

C. M. EFIRD,
Chairman Committee on Executive Department.

MINORITY REPORT.

We, the undersigned members of the Committee on the Executive Department, under permission given by the whole Committee, beg leave to submit the following minority report:

We fully concur in the report of the Committee so far as it goes, but think the Committee has acted unwisely in declining to report the following Section, and recommend that it be incorporated in the report as Section 22:

Section 22. The Governor shall have the right to investigate, or to order an investigation of, all embezzlements or appropriations of public funds to private use by any County officer entrusted with the care and disbursement thereof; and in case of a *prima facie* showing of embezzlement, or appropriation of funds to private use, he may suspend such officers pending a judicial investigation and appoint some suitable person to perform the duties of such office during such judicial investigation, and in case of conviction such appointment shall continue for the unexpired term.

Respectfully submitted,

C. M. EFIRD,
L. S. CONNOR,
J. N. ESTRIDGE,
J. T. DOUGLASS.

EXECUTIVE DEPARTMENT.

Section 1. The supreme executive authority of this State shall be vested in a Chief Magistrate, who shall be styled "The Governor of the State of South Carolina."

Section 2. The Governor shall be elected by the electors duly qualified to vote for members of the House of Representatives, and shall hold his office for two years, and until his successor shall be chosen and qualified, and shall be re-eligible. He shall be elected at the first general election held under this Constitution for members of the General Assembly and at each general election thereafter, and shall be installed during the first session of the said General Assembly after his election, on such day as shall be provided for by law. The other State officers elect shall at the same time enter upon the performance of their duties.

Section 3. No person shall be eligible to the office of Governor who denies the existence of the Supreme Being, or who at the time of such election has not attained the age of thirty years, and who shall not have been a citizen of the United States and a citizen and resident of this State for five years next preceding the day of election. No person while Governor shall hold any office or other commission (except in the militia) under this State, or any other power, at one and the same time.

Section 4. The returns of every election for Governor shall be sealed up by the Board of Canvassers for their respective Counties, and transmitted by mail to the seat of government, directed to the Secretary of State, who shall deliver them to the Speaker of the House of Representatives at the next ensuing session of the General Assembly and a duplicate of said returns shall be filed with the Clerks of the Courts of said Counties, whose duty it shall be to forward to the Secretary of State a certified copy thereof upon being notified that the returns previously forwarded by mail have not been received at his office. It shall be the duty of the Secretary of State, after the expiration of seven days from the day upon which the votes have been counted, if the returns thereof from any County have not been received, to notify the Clerk of the Court of said County and order a copy of the returns filed in his office to be forwarded forthwith. The Secretary of State shall deliver the returns to the Speaker of the House of Representatives at the next ensuing session of the General Assembly, and during the first week of the session, or as soon as the General Assembly shall have organized by the election of the presiding officers of the two Houses, the Speaker shall open and publish them in the presence of both Houses. The person having the highest number of votes shall be Governor, but if two or more shall be equal and highest in votes the General Assembly shall, during the same session, in the House of Representatives, choose one of them Governor *viva voce*. Contested elections for Governor shall be determined by the General Assembly in such manner as shall be prescribed by law.

Section 5. A Lieutenant Governor shall be chosen at the same time, in the same manner, continue in office for the same period, and be possessed of the same qualifications as the Governor, and shall *ex officio* be President of the Senate.

Section 6. The Lieutenant Governor while presiding in the Senate shall have no vote unless the Senate be equally divided.

Section 7. The Senate shall, as soon as practicable after the convening of the General Assembly, choose a President *pro tempore*, to act in the absence of the Lieutenant Governor, or when he shall exercise the office of Governor.

Section 8. A member of the Senate or of the House of Representatives being chosen and acting as Governor or Lieutenant Governor shall thereupon vacate his seat, and another person shall be elected in his stead.

Section 9. In case of the impeachment of the Governor, or his removal from office, death, resignation, disqualification, disability, or removal from the State, the Lieutenant Governor shall succeed to his office; and in case of the impeachment of the Lieutenant Governor, or his removal from office, death, resignation, disqualification, disability, or removal from the State, the President *pro tempore* of the Senate, shall succeed to his office; and when the President *pro tempore* of the Senate shall succeed to the office of Governor, he shall forthwith, by proclamation, convene the Senate in order that a President *pro tempore* may be chosen.

Section 10. The Governor shall be Commander-in-Chief of the Militia of the State, except when they shall be called into the actual service of the United States.

Section 11. He shall have power to grant reprieves, commutations and pardons after conviction (except in cases of impeachment), in such manner, on such terms and under such restrictions as he shall think proper; and he shall have power to remit fines and forfeitures, unless otherwise directed by law. It shall be his duty to report to the General Assembly, at the next regular session thereafter, all pardons granted by him, with the report of the Board of Pardons. Every petition for pardon or commutation of sentence shall be first referred by him to a Board of Pardons, to be composed of the Secretary of State, the Comptroller-General and the Superintendent of the Penitentiary, which Board shall hear all such petitions, under such rules and regulations as the General Assembly may provide. The Governor may adopt the recommendation of said Board; but in case he does not, he shall submit his reasons therefor to the General Assembly.

Section 12. He shall take care that the laws be faithfully executed in mercy.

Section 13. The Governor and Lieutenant-Governor shall, at stated times, receive for their service a compensation, which shall be neither increased nor diminished during the period for which they shall have been elected.

Section 14. All officers in the executive departments and all Boards of public institutions shall, when required by the Governor, give him information in writing upon any subjects relating to the duties of their respective offices or the concerns of the respective institutions, including itemed accounts of receipts and disbursements.

Section 15. The Governor shall, from time to time, give to the General Assembly information of the condition of the State, and recommend to their consideration such measures as he shall judge necessary or expedient.

Section 16. He may, on extraordinary occasions, convene the General Assembly; and should either House remain without a quorum for five days, or in case of disagreements between the two Houses with respect to the time of adjournment, may adjourn them to such time as he shall think proper, not beyond the time of the annual session then next ensuing.

Section 17. He shall commission all officers of the State.

Section 18. The seal of the State now in use shall be used by the Governor officially, and shall be called "The Great Seal of the State of South Carolina."

Section 19. All grants and commissions shall be issued in the name and by the authority of the State of South Carolina, sealed with the great seal, signed by the Governor, and countersigned by the Secretary of State.

Section 20. The Governor and Lieutenant-Governor, before entering upon the duties of their respective offices, shall take and subscribe the oath of office as prescribed in Article —, Section —, of this Constitution.

Section 21. The Governor shall reside at the capital of the State, but during the sittings of the General Assembly he shall reside where its sessions are held, except in case of contagion.

Section 22. Every Bill or Joint Resolution which shall have passed the General Assembly, except on a question of adjournment, shall, before it becomes a law, be presented to the Governor, and if he approve he shall sign it; if not, he shall return it, with his objections, to the House in which it shall have originated, which shall enter the objections at large on its Journals and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass it, it shall be sent, together with the objections, to the other House, by which it shall be reconsidered, and if approved by two-thirds of that House it shall have the same effect as if it had been signed by the Governor; but in all such cases the vote of both Houses shall be taken by yeas and nays, and the names of the persons voting for and against the Bill or Joint Resolution shall be entered on the Journals of both Houses respectively. Bills appropriating money out of the Treasury shall specify the objects and purposes for which the same are made and appropriate to them respectively their several amounts in distinct items and Sections. And if the Governor shall not approve any one or more of the items or Sections contained in any Bill, but shall approve of the residue thereof, it shall become a law as to the residue in like manner as if he had signed it. The Governor shall then return the Bill, with his objections to the items or Sections of the same not approved by him, to the House in which the Bill shall have originated, which House shall enter the objections at large upon its Journal, and proceed to reconsider so much of said Bill as is not approved by the Governor. The same proceedings shall be had in both Houses in reconsidering the same as is provided in case of an entire Bill returned by the Governor with his objections; and if any item or Section of said Bill not approved by the Governor shall be passed by two-thirds of the members elected to each of the two Houses of the General Assembly, it shall become a part of said law notwithstanding the objections of the Governor. If a Bill or Joint Resolution shall not be returned by the Governor within three days after it shall have been presented to him, Sundays excepted, it shall have the same force and effect as if he had signed it, unless the General Assembly, by their adjournment, prevent its return, in which case it shall have such force and effect unless returned within two days after their next meeting.

Section 23. There shall be elected by the qualified voters of the State a Secretary of State, a Comptroller General, an Attorney General, a Treasurer, an Adjutant and Inspector General, and a Superintendent of Educa-

cation, who shall hold their respective offices for the term of two years, and whose duties and compensation shall be prescribed by law.

Mr. MORRISON, for the Committee on Amendments, submitted the following report, which was read the first time and ordered for consideration to-morrow:

REPORT OF THE COMMITTEE ON AMENDMENTS.

We, the Committee on Amendments, to whom was referred the within proposed Article, the same being Article XI of the Constitution, introduced by Mr. Aldrich, and referred to this Committee by the Judiciary Committee, authorized to subdivide the same, beg leave to report that they have duly and carefully considered the same, and recommend that the same be laid upon the table, and the following be adopted in lieu thereof as a part of the Constitution:

ARTICLE ——.

Amendment and Revision of the Constitution.

Section 1. Any amendment of amendment to this Constitution may be proposed in the Senate or House of Representatives. If the same be agreed to by two-thirds of the members elected to each House, such amendment or amendments shall be entered on the Journals respectively, with the yeas and nays taken thereon; and the same shall be submitted to the qualified electors of the State, at the next general election thereafter for Representatives; and if a majority of the electors qualified to vote for members of the General Assembly, voting thereon, shall vote in favor of such amendment or amendments, and two-thirds of each branch of the next General Assembly shall, after such an election, and before another, ratify same amendment or amendments, by yeas and nays, the same shall become part of the Constitution: *Provided*, That such amendment or amendments shall have been read three times, on three several days, in each House.

Section 2. If two or more amendments shall have been submitted at the same time, they shall be submitted in such manner that the electors shall vote for or against each of such amendments separately.

Section 3. Whenever two-thirds of the members elected to each branch of the General Assembly shall think it necessary to call a Convention to revise, amend or change the Constitution, they shall recommend to the electors to vote at the next election for Representatives for or against a Convention; and if a majority of all the electors voting at said election shall have voted for a Convention, the General Assembly shall, at their next session, provide by law for calling the same; and such Convention shall consist of a number of members not less than that of the most numerous branch of the General Assembly.

Respectfully submitted,

J. B. MORRISON, Chairman.

The following gentlemen were granted indefinite leave of absence: Mr. Rogers and Mr. McCown.

The following gentlemen were granted leave of absence till Monday next: Messrs. S. E. White, Ashe, Perritte, Bates, Aldrich, Peake, Bowman, Connor, J. L. Glenn, Clayton, Byrd, Gamble, Timmerman, W. J. Montgomery, Berry, Ellerbe, J. D. Montgomery, McGowan, Klugh, Hemphill, D. S. Henderson, McKagen, Stackhouse, Nicholson, Haynsworth, Wells, J. P. Glenn and Cantey.

The following gentlemen were granted leave of absence till Tuesday next: Messrs. Jervey and Fitch.

Mr. FLOYD asked and obtained leave of absence for Mr. Hay till Wednesday next.

Mr. STOKES offered the following resolution, which was considered immediately and agreed to:

Resolved, That no further leaves of absence be granted this day except for sickness.

On motion of Mr. SHEPPARD, the Convention, at 1:15 P. M., adjourned till 11 A. M. to-morrow.

ELEVENTH DAY.

Saturday, September 21, 1895.

The Convention assembled at 11 o'clock A. M.

The Secretary called the roll.

The PRESIDENT took the chair.

A quorum being present, the deliberations were opened with prayer by the Rev. Mr. PARROTT.

The Journal of yesterday's proceedings was read and confirmed.

The PRESIDENT presented a communication from "The National League for the Protection of American Institutions," which, on motion of Mr. OTTS, was received as information.

Ordered that printing be dispensed with.

The PRESIDENT, in a few and appropriate words, expressed his thanks to the Convention for the resolution passed on Thursday, September 19th, in reference to an editorial published in *The State* newspaper.

The PRESIDENT proceeded to call by Counties for Resolutions, Memorials, and such like papers.

On motion of Mr. STANYARNE WILSON, the call by Counties was dispensed with.

Mr. McMAHAN introduced the following ordinance, which was read the first time and referred to the Committee on Miscellaneous Matters :

ORDINANCE TO FORBID THE GRANTING OF DIVORCES, BUT TO PROVIDE FOR THE RECOGNITION OF DIVORCES REGULARLY GRANTED BY OTHER SOVEREIGNTIES.

Be it ordained by the people of South Carolina, through their delegates, in convention assembled :

No divorce from the bond of matrimony shall be granted in this State : *Provided, however,* That for the sake of interstate comity a divorce heretofore or hereafter granted by any other State or sovereignty upon the application of either party at the time actually a resident and citizen of such State or sovereignty shall be recognized as of full force in this State in respect to the personal or the property rights of both parties.

Mr. AUSTIN introduced the following resolution, which was read the first time and referred to the Committee on Contingent Accounts :

RESOLUTION RELATING TO THE PAYMENT OF COMMISSIONERS AND MANAGERS OF ELECTION FOR DELEGATES TO THE CONSTITUTIONAL CONVENTION.

Whereas the last Legislature provided for the election of delegates to the Constitutional Convention, advertising notices of election and other expenses of the Convention, and specifically, that no Commissioner and Manager of Election should be paid anything ; *Therefore be it resolved,* That it be the sense of this Convention that such Commissioner and Manager should be provided and paid such amounts for their service as is now provided by law for the payment of such Commisssoners and Managers.

Mr. CONNOR introduced the following resolution :

A RESOLUTION REQUIRING BIENNIAL SESSIONS OF THE LEGISLATURE AND PROVIDING FOR A FOUR YEAR TERM OF OFFICE.

Article —, Section —. All State and County officers, except Judges of the Supreme and Circuit Courts, shall hold their respective offices for the term of four years, and shall not be eligible to two successive terms.

Section —. The Legislature shall meet biennially, but the Governor shall have power to call an extra session whenever it may be necessary.

On motion of Mr. SHEPPARD, the resolution was laid on the table, and ordered printed in the Journal, that it might be taken up and considered in connection with the report of the Committee on Legislative Department.

Mr. GILLAND introduced the following ordinance, which was read the first time and referred to the Committee on County and County Government:

AN ORDINANCE PROVIDING FOR THE ELECTION OF COUNTY AUDITORS AND COUNTY TREASURERS.

Be it resolved by the people of South Carolina, in convention assembled, and by the authority of the same, That the following shall constitute Section I of Article IX of the Constitution:

There shall be elected in each County, by the qualified electors thereof, at each general election for State and County officers, one County Auditor and one County Treasurer, who shall hold their offices, respectively, for the term of four years and until their successors are elected and qualified. They shall have such powers and duties as now are, or may hereafter be, prescribed by law for County Auditors and County Treasurers.

Mr. BATES introduced the following ordinance, which was read the first time and referred to the Committee on Militia:

ORDINANCE FOR EXEMPTIONS FROM TAXATION OF CERTAIN WIDOWS AND CONFEDERATE SOLDIERS.

There shall be exempt from taxation property to the value of three hundred dollars to every widow who has a family dependent on her for support, and to every person that has lost a limb or been disabled in the Confederate army: *Provided*, Such widow or person does not own property exceeding one thousand dollars in value.

Mr. McMAHAN introduced the following ordinance, which was read the first time and referred to the Committee on Finance and Taxation:

ORDINANCE LIMITING THE DURATION OF THE STATE'S LIEN FOR TAXES.

Be it ordained by the people of South Carolina through their delegates, in convention assembled:

Where taxes on real estate shall have been due and unpaid for five years and the State shall not have sold or taken exclusive possession of the premises within that period, the lien of the State shall be extinguished.

Mr. McMAHAN introduced the following ordinance, which was read the first time and referred to the Committee on Judicial Department:

ORDINANCE RELATIVE TO THE CONCURRENCE OF THE WHOLE NUMBER OF A JURY.

Be it ordained by the people of South Carolina, through their delegates, in convention assembled, The General Assembly may provide for the finding of a verdict in any class of cases upon the concurrence of less than the whole number of a jury.

Mr. RUSSELL introduced the following resolution:

AMENDMENT TO CONSTITUTION, ARTICLE ——, SECTION ——, RELATING TO MUNICIPAL CORPORATIONS.

Any city or town in this State wishing to alter or amend its charter, or any town wishing to erect itself into a municipal organization with like powers of other municipalities, may do so, consistent with this Constitution and the laws of this State, by electing a board of five free-holders by the qualified voters of the city or town, who shall within thirty days from their election submit to the chief magistrate or executive officer of such city or town a draft of such proposed new charter, or of the proposed new amendments to the existing charter, signed by each of the members of this Board or a majority of them. It shall then be the duty of the said chief magistrate or executive officer of said city or town to submit the proposed new charter or amendments to the qualified voters of said city or town within thirty days thereafter, for ratification or rejection, and if ratified by a majority of the qualified electors it shall within thirty days after said election become the charter of said city; or if amendments shall become a part of it, it shall be the duty of the said chief magistrate or executive officer to make duplicate copies of the same under the corporate seal of the municipality, one of which shall be deposited in the office of the Secretary of State and the other shall be recorded in the office of the Clerk of Court and Register of Mesne Conveyance of the County in which such municipality is situated, and then deposited in the municipal archives, and all Courts shall take judicial cognizance thereof. Any proposal for the adoption of a new charter or of proposed amendments shall be published at least thirty days beforehand in not more than two papers of largest circulation in the city or town, or if none, then in the County in which such

city is situated. No proposed charter or proposed amendments shall annex territory without the consent of the qualified voters in the territory proposed to be annexed. Such charter or proposed amendments shall always be in harmony with the Constitution and laws of this State, and it shall be competent for the Circuit and Supreme Courts to pass upon that question.

On motion of Mr. STOKES, the resolution was laid on the table and ordered printed in the Journal, in order that it might be taken up with the report of the Committee on Municipal Corporations and Police Regulations.

REPORTS OF STANDING COMMITTEES.

Mr. FIELD, for the Committee on Contingent Accounts and Expenses, made a favorable report on the account of Charles A. Calvo, Jr., for printing done for the Convention, and recommended that the same be paid; which was read the first time and ordered for consideration to-morrow:

REPORT OF COMMITTEE ON CONTINGENT ACCOUNTS AND EXPENSES.

STATE OF SOUTH CAROLINA, COLUMBIA, S. C., Sept. 20, 1895.

The Committee on Contingent Accounts and Expenses, to whom was referred accounts of Convention printing of Charles A. Calvo, Jr., respectfully report that they have duly and carefully considered the same, and recommend that the same be paid.

W. T. FIELD,
Chairman.

THE STATE OF SOUTH CAROLINA,
TO CHARLES A. CALVO, JR., DR.

1895.

Sept. 19.	To ptg 200 copies Constitutional Convention Journal (Sept. 10 to 19,) 73½ L. P. pp. @ $1.07	$ 78 11	
	86½ Brevier pp.=121 L. P. @ $1.07	129 47	$207 48
	To ptg and binding 2 Order Books for Secretary of Convention @ $3.00		6 00
	To ptg 100 Journal Slips		1 50
	" " 100 " "		1 50
	" " 100 Roll of Members		6 00
	" " 500 " " "		8 00
	" " 200 Calendars, (Sept. 14, 16, 19,) 6 pp. @ $1.07		6 42
	" " 200 Calendar Orders 1, 2, 3, 4, Bill matter @ $1.87, 10 pp		18 70
	To ptg 200 copies Calendar Orders 5, 6, 7, and Report of Committee on Rules, 12 Brev. pp.=17 L. P. @ $1.07		*18 19

To ptg 500 copies Permanent Journal, sigs. 1 to 7, inclusive,

59¼ L. P. pp. @ $1.00	$59 25	
52¾ Brev. pp.=74 L. P. @ $1.00	74 00—	133 25
		$407 04
Less		2 68
		$404 36

*Error: Should be

6 L. P. pp. @ $1.07	$ 6 42	
6 Brev. pp.=8½ pp. L. P	9 09	
		$15 51

STATE OF SOUTH CAROLINA, }
RICHLAND COUNTY. }

Personally appeared before me Charles A. Calvo, Jr., who, being duly sworn, deposes and says that the above is a just and true account against the State of South Carolina, under the terms of Chapter III, Revised Statutes of 1893, no part of which has been paid by discount or otherwise.

Sworn to before me 19th September, 1895. CHARLES A. CALVO, JR.

G. W. PARKER, [L. S.]
Notary Pub. S. C.

Mr. McWHITE, for the Committee on Legislative Department, made the following report:

REPORT OF THE COMMITTEE ON LEGISLATIVE DEPARTMENT.

The Committee on Legislative Department, to whom was referred the following resolutions, respectfully report that they have carefully considered the same, and recommend that they be incorporated in Article 2 of the Constitution.

All of which is respectfully submitted.

B. B. McWHITE,
For Committee.

The Committee on Legislative Department beg leave to report favorably on the following resolutions, and have incorporated the same in the Article we have reported:

Resolution forbidding the payment of salaries beyond the date of the death of any officer of this State. By Mr. Buist. Journal, 6th day, page 8.

Resolution forbidding the General Assembly granting extra compensation under certain conditions. By Mr. Buist. Journal, 6th day, page 4.

Resolution forbidding the General Assembly to donate the property of the State to private corporations or individuals. By Mr. Buist. Journal, 6th day, page 7.

Resolution in regard to compensation of members of General Assembly. By Mr. J. S. Brice. Journal, 4th day, page 2.

Resolution to abolish the right of dower in lands aliened by husband during coverture. By Mr. Rogers. Journal, 4th day, page 15.

Resolution in regard to quadrennial election. By Mr. J. S. Brice. Journal, 4th day, page 14.

Resolution relating to eligibility of members of the General Assembly and Judges to certain offices. By Mr. Prince. Journal, 8th day, page 20.

An ordinance to prohibit special legislation. By Mr. Gage. Journal, 3d day, page 9.

Which was read the first time and ordered for consideration to-morrow.

Mr. McWHITE, for the Committee on Legislative Department, made the following report, which was considered immediately and agreed to :

REPORT OF COMMITTEE ON LEGISLATIVE DEPARTMENT.

The Committee on Legislative Department, to whom was referred the following resolutions, respectfully report that they have carefully considered the same, and recommend that they do not pass, and ask for an immediate consideration.

All of which is respectfully submitted,

B. B. McWHITE,
For Committee.

The following resolutions reported unfavorable:

Resolution to prohibit the intermarriage of whites with negroes or their living together as man and wife. By Mr. Lowman. Journal, 8th day, page 19.

A resolution to prohibit members of the Legislature from voting on measures or Bills in which they have a personal interest. By Mr. Smoak. Journal, 6th day, page 9.

Resolution proposing an amendment to Section 6, Article III, of the Constitution, relating to an apportionment of Representatives to the General Assembly. By Mr. G. D. Tillman. Journal, 4th day page 14.

Resolution providing for homestead, amending Article II, Section 32, of present Constitution. By Mr. Howell. Journal, 4th day, page 10.

Resolutions in regard to biennial sessions of the General Assembly. By Mr. J. S. Brice. Journal, 4th day, page 10.

An ordinance to provide for marriage license and record of the same, with birth and death, by Clerk of Court. By Mr. Dudley. Journal, 6th day, page 3.

A resolution establishing the office of Commissioner of Labor. By Mr. Garris. Journal, 5th day, page 3.

A resolution in regard to family homestead. By Mr. Burns, Journal, 4th day, page 4.

Resolution providing for a homestead as a substitute for Section 30, Article II. By Mr. R. F. Smith. Journal, 4th day, page 5.

Resolution providing for the registration of marriages. By Mr. Berry. Journal 8th day, page 17.

Resolution to prohibit the intermarriage of white persons with negroes, mulattoes or persons of mixed blood descended from a negro. By Mr. Taylor. Journal, 6th day, page 8.

Resolution to prevent prize fighting. By Mr. Doyle. Journal, 8th day, page 18.

Power of the General Assembly over taxation. By Mr. Lowman. Journal, 5th day, page 11.

Ordinance to disallow distress for rent. By Mr. Moore. Journal, 5th day, page 10.

A resolution relating to homestead and exemption. By Mr. Prince. Journal, 4th day, page 20.

Resolution making corporations responsible for the payment of work when a construction company fails to pay the laborer. By Mr. A. K. Smoak. Journal, 5th day, page 5.

Resolution relating to the printing of the laws, Journals, Bills and legislative documents and papers for each branch of the General Assembly. By Mr. Sloan. Journal, 6th day, page 11.

Resolution relating to public printing and the furnishing of supplies for public offices, amending Article XIV, Section 7, of the present Constitution. By Mr. Sullivan. Journal, 7th day, page 8.

Resolution in relation to fishing in the unnavigable running streams and waters of this State. By Mr. Gooding. Journal, 8th day, page 17.

Resolution providing for the creation, establishing and maintenance of a Bureau of Labor Statistics. By Mr. Stanyarne Wilson. Journal, 5th day, page 7.

On motion of Mr. BUIST, the unfavorable report of the Committee was ordered printed in the Journal.

Mr. GOODING, for the Committee on Charitable and Penal Institutions, submitted the following report :

REPORT OF COMMITTEE ON CHARITABLE AND PENAL INSTITUTIONS.

The Committee on Charitable and Penal Institutions beg leave to make the following report :

September 17, page 10 of Journal.—The memorial of L. W. Jenkins and others, of Charleston, in referrence to reformatory school in Charleston, S. C., has been examined.

We recommend that it be received as information, and ask to be discharged from its further consideration.

September 18, page 10 of Journal.—Resolution to establish a State Penal School by Mr. J. R. Reed.

We recommend that the same do not pass.

September 17, page 11 of Journal.—Resolution to regulate the working of convicts by Mr. W. F. Clayton.

We recommend that it do pass with the following amendment, viz.: Strike out all after highways on the sixth line ; so the resolution shall read : "That all convicts sentenced to hard labor by any of the Courts in this State may be employed upon the public works of the State or Counties and upon the public highways."

September 18, page 2 of Journal.—By Mr. Irby, petition relating to working convicts from the Board of County Commissioners of Laurens.

We recommend that it be referred to Committee on Counties and County Government, and ask to be discharged from its further consideration.

September 19, page 12 of Journal.—An ordinance requiring chain gang, by Mr. Otts.

We recommend that it be referred to Committee on Counties and County Government.

September 17, page 5 of Journal.—By Mr. McWhite, resolution to provide punishments, penal institutions and public charities.

We respectfully report that we have examined and adopted the principles incorporated in Sections 6, 7, 8, 10 and 11, which will appear in a report of and Article for the consideration of the Convention. Sections 1, 2, 3, 4 and 5, we ask to be discharged from their further consideration, and recommend that they be referred to the Committee on Jurisprudence. Section 9 we recommend do not pass.

All of which is respectfully submitted,

W. J. GOODING,
O. M. DOYLE,
HENRY C. BURN.
For Committee.

Which was read the first time and ordered for consideration to-morrow.

On motion of Mr. B. R. TILLMAN, the consideration of the Calendar was postponed until to-morrow.

Mr. TALBERT moved to adjourn until 11 A. M. to-morrow.

Mr. LOWMAN moved to amend by making it 12 M.; which was agreed to.

On motion of Mr. LOWMAN, at 1:30 P. M., the Convention adjourned until Monday at 12 M.

TWELFTH DAY.

Monday, September 23, 1895.

The Convention assembled at 12 o'clock M.

The Secretary called the roll.

The PRESIDENT took the chair.

A quorum being present, the deliberations were opened with prayer by the Rev. Mr. ABNEY.

The Journal of yesterday's proceedings was read and confirmed.

The PRESIDENT proceeded to call by Counties for memorials, petitions and such like papers.

On motion of Mr. GEORGE JOHNSTONE, the call by Counties was dispensed with.

Mr. LOWMAN asked and obtained indefinite leave of absence for his colleague Mr. Stokes on account of sickness.

MEMORIAL.

Mr. TALBERT presented the following memorial, which was, on motion of Mr. TALBERT, received as information and ordered printed in the Journal :

MEMORIAL FROM CONFEDERATE SOLDIERS.

AIKEN, S. C., September 21st, 1895.

Governor J. G. Evans and Hon. W. J. Talbert.

GENTLEMEN: We, the undersigned Confederate veterans, pray you submit our petition to the Convention, asking that the pensions of the wounded be doubled, as the present pay is only twenty-one or two dollars. A few more years and we will all have crossed over the river. South Carolina can well afford to pay her wounded $50, as Georgia pays hers that amount and even more.

We hope you will attend to this for us and oblige,

Very truly,

JOHN M. BELL.
DOCK OWEN.
S. E. OWEN.
JAMES DAY.
A. S. COURTNEY.
JOHN RIPLEY.
A. C. RIPLEY.
J. J. FULMER.
T. J. RILEY.
STEPHEN MOYERS.
M. A. MATTOX.
WILLIAM FRIDAY.
WILLIAM WILLIAMSON.
JAMES J. CENTEL.
JOHN W. OWENS.
JAMES D. GREEN.
MATTISON ALLEXANDER.
ELDRED POSEY.

PETITION.

Mr. MILLER presented the following petition, which was read the first time and referred to the Committee on Municipal Corporations and Police Regulations :

PETITION OF CITIZENS OF SUMTER, S. C., AGAINST THE PASSAGE OF SECTION 16 OF AN ARTICLE TO REGULATE MUNICIPAL CORPORATIONS, TO WIT, No 9 ON CALENDAR.

To the Honorable the Constitutional Convention of South Carolina:

We, the undersigned petitioners, respectfully represent that we are citizens of the State of South Carolina and reside in the city of Sumter, in Sumter County.

We recognize the fact that the ballot, honestly regulated, is the safeguard of our American institutions, and upon it depends the prosperity and happiness of all the people of our Commonwealth.

Debased or degraded by a vicious or immoral class it becomes an evil, dangerous it is true, but always capable of correction by intelligence and virtue; but corrupted or tainted by fraud or dishonesty it becomes more terrible in its results than pestilence or war. It blights with its polluting touch every strata of society, reaching from the highest official to the humblest citizen. Corruption, dishonesty, perjury and every species of crime becomes a jest and a pastime.

For these reasons and many others equally weighty and important we humbly petition and respectfully ask that your honoroble body strike out and refuse to incorporate in the organic law of the State that portion of Section 16 of Article — reported from the Committee on Municipal Corporations and Police Regulations, which reads as follows: "or who can explain the same satisfactorily when read to him." These words contain in themselves the elements of fraud. To a board, perhaps partisan, it will be left to decide whether the applicant for the right of suffrage "satisfactorily explains" the clause read to him, and in the exercise of this power to decide a voter's qualification the floodgates of party discrimination, fraud and corruption will be thrown open wide.

We further respectfully ask that whatever regulations be imposed upon the exercise of the right of suffrage they be uniform, impartial, fair, and of an unchangeable and unequivocal standard.

And your petitioners will ever pray, etc, etc.

Wm. T. Andrews.
William T. Smith, M. D.
J. C. Whittaker.
H. Pearson.
M. H. Fields.
Wm. J. Andrews.
Z. E. Walker.
S. Z. Walker.
A. G. Spears.
C. M. Crosby.
E. D. Peterson.
E. E. Jones.
C. C. Scott.
P. Owens.
Anthony Bray.
Adams Young.
Richard Miller.
Henry M. Davis.
Barton W. Levan.
A. J. Andrews.

RESOLUTIONS.

Mr. FRASER introduced the following resolution, which was considered immediately and agreed to :

RESOLUTION IN RELATION TO REPORTS OF COMMITTEES.

Resolved, That all Committees to whom are referred ordinances or resolution proposing amendments to Articles of the Constitution are requested to report as a part of the Article committed to them all propositions on which they report favorably.

Mr. PATTERSON introduced the following resolution, which was read the first time and referred to the Committee on Education :

A RESOLUTION TO PROVIDE FOR THE MAINTAINANCE OF THE PUBLIC SCHOOLS OF THE STATE.

Be it resolved and ordained by the people of the State of South Carolina, in convention assembled, and by the authority of the same, That the following provision shall constitute Section — of Article — of the Constitution of the State :

Section —. The General Assembly shall levy at each regular session after the adoption of this Constitution an annual tax of not less than three mills on the dollar on all taxable property throughout the State, and there shall also be assessed on all male persons of this State between the ages of eighteen and sixty years, who perform or are able to perform manual labor, an annual tax of one dollar on each poll, the proceeds of which levy and assessment aforesaid shall be for the support of the public schools; said tax shall be collected at the same time and by the same officials as the general State levy, and shall be paid into the State Treasury in the same manner as other State taxes; and all funds derived from the aforesaid taxes and from any other source, as provided for in this Constitution, intended for the benefit or support of the public schools of this State, shall be distributed among the several Counties in this State in proportion to the respective number of pupils between the ages of six and twenty-one years as enrolled the year previous; and the school funds of the several Counties shall be distributed among the school districts of the several Counties as the General Assembly shall hereafter provide; and the General Assembly shall provide for the penalties, fines and forfeitures for the non-payment of the poll tax.

Mr. McMAHAN introduced the following ordinance, which was read the first time and referred to the Committee on Legislative Department :

ORDINANCE TO EMPOWER THE LEGISLATURE TO ENACT LAWS REGULATING THE COMPETENCY OF MEN TO MARRY.

Be it ordained by the people of South Carolina, in convention assembled, That in order to protect the health and promote the morality of the State, the Legislature may enact laws establishing Boards of Physicians, and providing that no man shall be competent to marry within this State unless, after a physical examination by one of said Boards, he shall receive a certificate therefrom to the effect that he is free from all diseases that would render him unfit to be a husband or a father.

Mr. McMAHAN introduced the following ordinance, which was read the first time and referred to the Committee on Counties and County Government:

AN ORDINANCE TO RENDER COUNTIES LIABLE IN CERTAIN CASES.

Be it ordained by the people of South Carolina, in convention assembled, That each County shall be liable in damages to the family, or any actual dependents, of any person unlawfully killed within its bounds.

The merits of such claim shall be determined independently of the fact of the acquittal or the conviction of the alleged slayer, or of absence of proof against any individual whatsoever.

The Legislature shall prescribe the conditions and limitations of such damages.

Mr. STANYARNE WILSON presented the following bills, which were read the first time and referred to the Committee on Contingent Accounts and Expenses:

ACCOUNTS OF THE J. W. GIBBES STATIONERY COMPANY, AMOUNTING TO $77.50.

[*Delivered to Secretary.*]

1895.			
Sept. 11.	170 legal cap pads @ 15c	$25 50	
	1 doz. qts. Carter's Fluid	7 00	
	2 gross Crown penholders @ $5	10 00	
	5 gross Esterbrook Falcon pens @ 75c	3 75	
	1 qt. Carter's mucilage	1 00	
	2 desk pads and blotters	1 25	
	1 great gross Faber's assorted bands	1 75	
	1 gross No. 31 Faber's assorted bands	50	
	5½ doz. shoe strings	25	
	4 boxes assorted paper fasteners	75	
	1 gross Faber's hexagon gilt pencils	7 00	
	½ gross Dixon's Cabinet pencils	2 00	
	½ gross Eagle triangular pencils	2 50	
	1 gross Delmar office pencils	4 50	
			$67 75

[*Delivered to Clerk, Committee on Education.*]

Sept. 14.	1 ream legal size typewriter linen	$ 1 35	
	1 ream letter size typewriter linen	1 15	
	1 doz. sheets carbon paper	50	
	½ doz. note books	50	
	2 Ramsey's automatic inkstands @ 50c	1 00	
			4 50

[*Delivered to Clerk, Committee on Miscellaneous Matters.*]

Sept. 15.	½ ream typewriter linen	$ 50	
	½ ream typewriter linen	70	
			1 20

[*Delivered to Chief of Engrossing Department.*]

Sept. 18.	1 gross Spencerian pens	$ 1 00	
	1 doz. triangular pencils	50	
	2 doz. Delmar pencils	1 00	
	1 pt. Carter's crimson fluid	1 25	
			3 75

[*Delivered to Secretary.*]

Sept. 20.	1 2-line rubber stamp		30
			$77 50

Mr. GEORGE JOHNSTONE introduced the following ordinance, which was read the first time and referred to the Committee on Counties and County Government:

ORDINANCE RELATING TO THE AREA AND FORMATION OF COUNTIES, BEING ARTICLE 2 OF THE PRESENT CONSTITUTION.

Be it ordained by the people of the State of South Carolina in Constitutional Convention assembled, That the boundaries of the several Counties of this State shall remain as they now are established: *Provided,* That the General Assembly shall have the power at any time to organize new Counties by changing the boundaries of any of the old ones; but no new County shall be hereafter formed of less extent than four hundred and fifty square miles, nor shall any existing Counties be reduced to a less extent than five hundred and fifty square miles. Each County shall constitute one Election District.

Mr. McGOWAN introduced the following ordinance, which was read the first time and referred to the Committee on Jurisprudence:

AN ORDINANCE FIXING THE AGE OF CONSENT FOR WOMEN.

Be it ordained by the people of South Carolina, in convention assembled, That the following shall constitute Section —— of Article —— of the Constitution of this State:

That no woman shall legally consent to marriage or sexual intercourse who shall not have attained the age of sixteen (16) years.

Mr. BURN introduced the following resolution, which was read the first time and referred to the Committee on Education:

THE ENCOURAGEMENT OF LITERATURE, ETC.

Be it ordained by the people of South Carolina, in convention assembled: Section ——, Article——. That the general diffusion of wisdom and knowledge and good morals are essential for the preservation of their rights and liberties; and as these are the result of the advantages and opportunities for education throughout the country among all classes and orders of the people, it shall be the duty of the Legislature and officials of the State to cherish the interests of literature and the sciences in the public schools of the State; to encourage public schools with rewards and immunities for the promotion of the arts, of agriculture, commerce, trades, manufactures, and the natural history of the State; to teach and inculcate the principles of humanity, benevolence, charity, industry, honesty and frugality, punctuality, sincerity, and all noble and generous sentiments among the people.

Mr. E. J. KENNEDY introduced the following resolution, which was read the first time and referred to the Committee on Education:

A RESOLUTION IN RELATION TO EDUCATION, BEING AMENDATORY OF ARTICLE X OF THE PRESENT STATE CONSTITUTION.

Be it resolved and ordained by the people of South Carolina, in convention assembled, That the following provision shall constitute Section —— of Article —— of this State:

1. The General Assembly shall levy at each regular session after the adoption of this Constitution an annual tax of not less than two mills on the dollar on all property throughout the State for the support of public schools, which tax shall be collected at the same time and by the same agents as the general State levy and shall be paid into the State Treasury. There shall also be assessed on all taxable polls in this State between the ages of twenty-one and sixty years an annual tax of one dollar on each poll, the proceeds of which shall be applied solely to the support of the public schools. The school tax shall be distributed among the several Counties in this State in proportion to the whole number of persons between the ages of six and twenty-one years, to be disbursed in the several school districts of said Counties as may be provided by the General Assembly; that in addition thereto all moneys derived from fines imposed for the breach of the penal laws of the State, and from all forfeitures which may accrue; all net income to be derived to the State from the sale of spirituous, malt, vinous or intoxicating liquors, whether the same be derived by license or otherwise; the proceeds of all escheated property; all license fees collected under the laws of this State from plays, shows or other sources; all donations, gifts, devises and grants of property to the State when the purpose of the

gift, grant or devise is not specified; all the waste and unappropriated lands belonging to the State, which terms shall include the marsh and tide water lands, and all the income to be derived from said lands by leasing them, shall be set apart and be and remain forever a perpetual school fund for the support of the common schools of this State. All gifts, grants and donations of property to the State, all funds derived from escheated property and all moneys derived from the sale of the aforesaid lands, if the General Assembly should ever deem it best to sell the same, shall be invested and the interest alone shall be appropriated.

Mr. AUSTIN introduced the following resolution, which was read the first time and referred to the Committee on Education :

RESOLUTION RELATING TO POLL TAX.

That there shall be imposed on all male citizens between the ages of twenty-one and fifty years of age, who are able to perform ordinary manual labor, an annual tax of one dollar, which shall be applied to the free public school fund of the County, and the General Assembly shall provide for the collection of the same, and impose the penalties, fines and forfeitures for the non-payment of said tax.

Mr. MILLER introduced the following resolution, which was read the first time and referred to the Committee on Education :

A RESOLUTION PROHIBITING THE PASSAGE OF ANY LAW TAXING THE PEOPLE TO SUPPORT SECTARIAN INSTITUTIONS.

It is admitted herein that it is the right and duty of the State to maintain and support institutions of higher education; therefore

Be it resolved by this Convention:

1st. That the Legislature shall never pass any law for the purpose of founding, maintaining or aiding institutions of learning that are denominational or sectarian.

2nd. That the Legislature shall never use the credit of the State or appropriate any money for the payment of the support or other expenses of any school or institution of higher education which is wholly or in part under sectarian or ecclesiastical control.

Mr. McWHITE introduced the following resolution, which was read the first time and referred to the Committee on Education :

RESOLUTION TO PROVIDE THAT NO MONEY SHALL BE DONATED TO ANY SECTARIAN SCHOOL.

Resolved, That no portion of any fund or tax now existing, or that may hereafter be raised or levied for educational purposes, shall be appropriated to, or used by or in aid of any church, sectarian or denominational school.

Mr. W. J. MONTGOMERY introduced the following resolution, which was read the first time and referred to the Committee on Education :

A RESOLUTION PROVIDING FOR (1) COMPULSORY ATTENDANCE UPON PUBLIC SCHOOLS, (2) A THREE MILLS TAX, AND (3) A POLL TAX OF $1.50 FOR THE SUPPORT OF SAID PUBLIC SCHOOLS.

3. The General Assembly shall provide at its first meeting after the adoption of this Constitution for a liberal and uniform system of free public schools throughout the State, and shall also make provision for the division of the State into suitable school districts.

4. It shall be the duty of the General Assembly to provide for the compulsory attendance at either public or private schools of all children between the ages of six and sixteen years not physically or mentally disabled for a term equivalent to twenty-four months at least: *Provided*, There are public schools established where attendance for said term of twenty-four months, or any part of it, can be enforced.

5. The Board of County Commissioners shall levy an annual tax of not less than three mills on the dollar upon all the taxable property in their respective Counties, which levy shall not be increased unless by special enactment of the General Assembly, for the support of the public schools in their respective Counties, which tax shall be collected at the same time and by the same officers as the other taxes for the same year, and shall be held in the County treasuries of the respective Counties, and paid out exclusively for the support of public schools, as provided by law. There shall be assessed on taxable polls in the State an annual tax of one dollar and fifty cents on each poll, the proceeds of which tax shall be applied solely to educational purposes, and the failure to pay said poll tax shall deprive the person failing to pay the same of the right of suffrage. No other poll or capitation tax shall be levied in the State. The school tax shall be distributed among the several school districts of the Counties in proportion to the average attendance of pupils attending the public schools. No religious sect or sects shall have any right to, or any control of, any part of the school funds of the State, nor shall sectarian principles be taught in the public schools.

Mr. AUSTIN introduced the following resolution, which was read the first time and referred to the Committee on Legislative Department :

RESOLUTION RELATING TO THE CARRYING OF CONCEALED WEAPONS.

That the General Assembly provide for a license to be imposed for the carrying of concealed weapons, and the fines and forfeiture for its violation to be applied to the free common school of the County in such manner as the General Assembly shall declare.

Mr. GEORGE JOHNSTONE introduced the following ordinance, which was read the first time and referred to the Committee on Suffrage:

ORDINANCE IN RELATION TO SUFFRAGE AND CITIZENSHIP, BEING ARTICLE 8 OF THE PRESENT CONSTITUTION.

Be it ordained by the people of South Carolina, in Constitutional Convention assembled, That all citizens of the United States who are residents of this State shall be citizens of this State, and no person who is not a citizen of the United States and of this State shall be entitled to vote or to hold any public office.

Mr. McMAHAN introduced the following ordinance, which was read the first time and referred to the Committee on Legislative Department:

AN ORDINANCE TO PROVIDE FOR A DEPARTMENT OF ROADS AND FORESTRY.

Be it ordained by the people of South Carolina, etc., The Legislature shall, in the exercise of the right of eminent domain, have power to protect and foster the forests of the State, and to regulate the destruction of timber and the planting of trees, so as to preserve the natural resources of the State, and to promote favorable climatic conditions, and shall also provide for a general system of properly located and constructed highways. To this end it shall establish a Department of Roads and Forestry.

Mr. McMAHAN introduced the following ordinance, which was read the first time and referred to the Committee on Legislative Department:

AN ORDINANCE TO SUPPRESS INDECENT PUBLICATIONS.

Be it ordained by the people of South Carolina, through their delegates in convention assembled, In the interest of innocence and modesty there shall be no publication of facts or names in respect to rape or other indecent crime, and parties offending by such publication shall be liable to criminal prosecution or to civil action for damages brought by the party aggrieved or by any other person, under such conditions as the Legislature shall prescribe.

Mr. OTTS introduced the following ordinance, which was read the first time and referred to the Committee on Judicial Department:

AN ORDINANCE TO ABOLISH THE FEE SYSTEM.

Be it ordained, That each public officer or person in the service of the State or any subdivision thereof shall be paid a stipulated salary; and that all fees collected by him shall be paid to the State Treasurer, or to the Treasurer of such subdivision as the Legislature may direct.

Mr. GEORGE JOHNSTONE introduced the following resolution, which was read the first time and referred to the Committee on Municipal Corporations and Police Regulations:

ORDINANCE IN RELATION TO CORPORATIONS, BEING ARTICLE XII OF THE PRESENT CONSTITUTION.

Be it ordained by the people of South Carolina, in Constitutional Convention assembled, That it shall be deemed a part of the charter of every corporation created under the provisions of any general law, and of every charter granted, renewed or amended by Act or Joint Resolution of the General Assembly, that such charter and every amendment and renewal thereof shall always remain subject to amendment, alteration or repeal by the General Assembly.

Mr. McMAHAN introduced the following ordinance, which was read the first time and referred to the Committee on Finance and Taxation:

ORDINANCE TO PREVENT DOUBLE TAXATION OF LAND.

Be it ordained by the people of the State of South Carolina, in convention assembled, In order to avoid double taxation on mortgaged lands, mortgages on real estate shall be exempt from taxation.

Mr. GOODING moved to recommit to the Committee on Charitable and Penal Institutions.

No. 17. Report of the Committee on Charitable and Penal Institutions.

Which was agreed to.

GENERAL ORDERS.

On motion of Mr. STANYARNE WILSON, No. 9. Articles proposed by Committee on Municipal Corporations and Police Regulations, was passed for the present, and the following taken up out of its regular order:

No. 13. Article reported by the Committee on the Executive Department.

Section 1 was read and adopted as a whole.

Mr. ALDRICH moved to amend as follows: Section 2, line 2, strike out the word "two" and insert the word "four," printed Bill.

After debate, participated in by Messrs. Aldrich, Efird, Sheppard, Bowman, George Johnstone, McWhite, Patton and B. R. Tillman, the yeas and nays were demanded.

The question being put: "Will the Convention agree thereto?" it was decided in the negative.

Yeas, 47; nays, 64.

Those who voted in the affirmative are:

Yeas—Messrs. Aldrich, Alexander, Ashe, Atkinson, Austin, Barton, Bates, Bellinger, Bowen, Bowman, Buist, Byrd, Connor, Derham, Doyle, Dudley, Estridge, W. D. Evans, Farrow, Field, Fitch, Floyd, Gage, J. L. Glenn, Gunter, Hamel, D. S. Henderson, Houser, George Johnstone, McDermotte, McGowan, Patterson, Patton, Perritte, Prince, J. H. Read, Rogers, Shuler, Jeremiah Smith, Smoak, Sprott, Stackhouse, Sullivan, Taylor, G. D. Tillman, A. H. White and Woodward.—47.

Those who voted in the negative are:

Nays—Hon. John Gary Evans, President, and Messrs. Anderson, Barry, Behre, Bryan, Burn, Cantey, Carver, Clayton, DeHay, Dennis, Dent, Douglass, Efird, Fraser, Garris, Gary, Gooding, Graham, Harrison, Haynsworth, Wm. Henderson, Henry, Hodges, Hutson, T. E. Johnson, Wilie Jones, E. J. Kennedy, J. W. Kennedy, Lee, Lowman, McCaslan, McKagen, McMahan, McMakin, McWhite, Matthews, Miller, Mitchell, J. D. Montgomery, Moore, Mower, Murray, Nathans, Oliver, Otts, Parler, Redfearn, John Reed, Rosborough, Rowland, Sheppard, Singletary, Sloan, Smalls, A. J. Smith, W. C. Smith, Talbert, B. R. Tillman, VonKolnitz, Waters, Whipper, Stanyarne Wilson and Winkler.—64.

Mr. SLIGH stated that had he been present, he would have voted "no" on the amendment proposed by Mr. Aldrich.

So the Convention refused to agree to the amendment proposed by Mr. Aldrich.

The Section was then adopted as reported by the Committee.

Mr. MILLER proposed to amend Section 3, line 3, printed Bill, as follows: Add to the end of line 3 the words "but once."

The question being put, the Convention refused to agree to the amendment.

Mr. McMAHAN proposed to amend Section 2, line 3, printed Bill, by inserting the words "and shall not be re-eligible while Governor."

The question being put, the Convention refused to adopt the amendment.

Mr. ALDRICH moved to amend as follows: Section 3, lines 3 and 4, strike out the words "of the United States and a citizen."

The question being put, the Convention refused to agree to the amendment.

Section 3 was then adopted as reported by the Committee.

Sections 4, 5, 6, 7 and 8 were adopted as reported by the Committee.

Section 9 was taken up, and after discussion, on motion of Mr. GEORGE JOHNSTONE, was passed for the present.

Section 10 was adopted as reported by the Committee.

Section 11 was taken up.

Mr. ROGERS proposed to amend as follows, printed Bill: Amend Section 11, beginning on line 10, after the word "provide," so that the remainder of the Section shall read as follows: "The Governor may adopt or decline the recommendation of said Board, but he shall in no case grant a pardon save upon recommendation of a majority of said Board."

On motion of Mr. EFIRD, the amendment proposed by Mr. Rogers was laid on the table.

Mr. SHEPPARD moved to amend as follows: Strike out "Comptroller" in line 8, and insert "Attorney."

On motion of Mr. EFIRD, the amendment proposed was laid on the table.

Mr. GEORGE JOHNSTONE moved the following as a substitute for the Section proposed by the Committee:

SECTION 11. He shall have power to grant reprieves and pardons after conviction (except in cases of impeachment) in such manner, on such terms, and under such restrictions as he shall think proper; and he shall have power to remit fines and forfeitures, unless otherwise directed by law. It shall be his duty to report to the General Assembly, at the next regular session thereafter, all pardons granted by him, with a full statement of each case, and the reasons moving him thereto.

Mr. SHEPPARD moved to indefinitely postpone the substitute of Mr. Johnstone, which was agreed to.

Mr. DERHAM moved the following amendment:

Amend Section 11, line 8, by striking out all after the word "pardons" down to and including the word "penitentiary," and insert in lieu thereof, "to be provided by the General Assembly."

The pending question being the amendment proposed by Mr. Derham, the Convention, on motion of Mr. MOWER, at 3:05 P. M., adjourned till 11 A. M. to-morrow.

THIRTEENTH DAY.

Tuesday, September 24, 1895.

The Convention assembled at 11 o'clock A. M.

The Secretary called the roll.

The PRESIDENT took the chair.

A quorum being present, the deliberations were opened with prayer by the Rev. Mr. ABNEY.

The Journal of yesterday's proceedings was read and confirmed.

Mr. GEORGE JOHNSTONE moved that an ordinance in relation to corporations, being Article 12 of the present Constitution, which has been read the first time and referred to the Committee on Municipal Corporations and Police Regulations, be referred to the Committee on Corporations.

Agreed to.

Mr. OTTS moved the following:

Whereas the Committee on Counties and County Government has been increased from eleven to twelve members, an even number, by order of this Convention, which has frequently caused a deadlock, and now a permanent deadlock. Therefore,

Be it resolved, That the Hon. J. W. Floyd, of Kershaw, be added to the Committee on Counties and County Government.

Mr. AUSTIN moved the following substitute:

Whereas the Committee on Counties and County Government is composed of twelve members; whereas with this number the Committee is unable to agree. Therefore, be it

Resolved, That the President of this Convention be authorized to add an additional member to said Committee.

Mr. BREAZEALE moved the following as a substitute for the substitute and original, which was considered immediately and agreed to:

Resolved, That the Committee on Counties and County Government be authorized to submit two reports, as said Committee is composed of an even number and as the said Committee report that they are evenly divided.

The PRESIDENT proceeded to call by Counties for memorials, petitions and such like papers.

On motion of Mr. GRAY, the call by Counties was dispensed with.

RESOLUTIONS.

Mr. BREAZEALE offered the following, which was considered immediately and unanimously adopted by a rising vote :

Resolved, That the members of this Convention have heard with deep regret of the death of a daughter of one of the Vice-Presidents, Hon. Ira B. Jones, and extend to him their sympathies, and express the hope that his wife, who is also sick, will soon be restored to health.

Resolved, further, That the Convention regrets the unavoidable absence of Mr. Jones, and that they cannot have the benefit of his wise counsels and advice.

Mr. WILIE JONES moved the following, which was considered immediately and agreed to :

Resolved, That the Secretary of the Convention be allowed an extra sum of $50 for stationery required for the use of the Convention and the several Committees.

REPORTS OF STANDING COMMITTEES.

Mr. BELLINGER, from the Committee on Corporations, submitted the following, which was considered immediately and agreed to :

To the Constitutional Convention:

The Committee on Corporations, to whom were referred "An ordinance to regulate the extension of corporate limits of cities, towns and villages," and "An ordinance to provide for the location of incorporated cities, towns and villages so that all portions of each respectively shall be in the same County," respectfully report that they have considered the same and recommend that the same be referred to the Committee on Municipal Corporations and Police Regulations, and, further, that this Committee be relieved of the further consideration of said ordinances.

Mr. COOPER, for the Committee on Impeachments, submitted the following, which was ordered to lie over for consideration to-morrow :

The Committee on Impeachments, to whom was referred Article VI of the Constitution proposed by the Hon. Robert Aldrich, beg leave to report that they have carefully considered the same and recommend that it do not pass.

The Committee further recommend that Article VII of the present State Constitution, which is as follows:

ARTICLE VII.

IMPEACHMENTS.

Section 1. The House of Representatives shall have the sole power of impeachment. A vote of two-thirds of all the members elected shall be required for an impeachment, and any officer impeached shall thereby be suspended from office until judgment in the case shall have been pronounced.

Section 2. All impeachments shall be tried by the Senate, and when sitting for that purpose they shall be under oath of affirmation. No person shall be convicted except by a vote of two-thirds of all the members elected. When the Governor is impeached the Chief Justice of the Supreme Court, or the senior Judge, shall preside, with a casting vote in all preliminary questions.

Section 3. The Governor and all other executive and judicial officers shall be liable to impeachment; but judgment in such case shall not extend further than removal from office. The persons convicted shall, nevertheless, be liable to indictment, trial and punishment according to law.

Section 4. For any willful neglect of duty, or other reasonable cause, which shall not be sufficient ground of impeachment the Governor shall remove any executive or judicial officer on the address of two-thirds of each House of the General Assembly: *Provided,* That the cause, or causes, for which said removal may be required shall be stated at length in such address, and entered on the journals of each House: *And provided, further,* That the officer intended to be removed shall be notified of such cause or causes, and shall be admitted to a hearing in his own defense, before any vote for such address; and in all cases the vote shall be taken by yeas and nays, and be entered on the journals of each House respectively—

be retained as Article —— of the Constitution now under consideration.

Respectfully submitted,

M. R. COOPER, Chairman.

GENERAL ORDERS.

The PRESIDENT requested that Report (No. 15) (favorable) of the Committee on Contingent Accounts and Expenses on the account ($404.36) of Charles A. Calvo, Jr., for printing done for the Convention, be taken up out of its regular order; which was agreed to.

The favorable report of the Committee was adopted and the account ordered to be paid.

UNFINISHED BUSINESS.

The Convention proceeded to the consideration of Mr. Derham's amendment:

Amend Section 11, line 8, by striking out all after the word "pardons," down to and including the word "penitentiary," and insert in lieu thereof, "to be provided by the General Assembly."

After debate, participated in by Messrs. Derham, Montgomery and B. R. Tillman, the question being put, the Convention agreed to the amendment proposed, and the Section was adopted as amended.

Mr. EFIRD moved to recur to Section 9, which was agreed to.

Mr. EFIRD moved to amend Section 9, line 3, of printed Bill, by striking out the words "succeed to," and insert in lieu thereof the words "perform the duties of;" which was agreed to.

Also, in line 6, same Section, strike out the words "succeed to," and insert in lieu thereof the words "perform the duties of;" which was agreed to.

The Section as amended was adopted.

Mr. TIMMERMAN moved to reconsider the vote whereby the Convention indefinitely postponed the substitute proposed by Mr. Geo. Johnstone yesterday to Section No. 11.

The question being put: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 64; nays, 76.

Those who voted in the affirmative are:

Yeas—Messrs. Aldrich, Alexander, Atkinson, Barton, Bates, Behre, Bowen, Brezeale, J. S. Brice, Buist, Carver, Connor, DeHay, Dennis, Derham, Doyle, Dudley, Ellerbe, W. D. Evans, Farrow, Fitch, Gage, Gary, J. L. Glenn, Harris, Hemphill, D. S. Henderson, Hodges, Jervey, George Johnstone, Keitt, E. J. Kennedy, Lee, McDermotte, McGowan, McKagen, McMakin, Mitchell, Mower, Murray, Nash, Oliver, Parrott, Patterson, Prince, Redfearn, John Reed, Rogers, Smalls, Jeremiah Smith, R. F. Smith, Smoak, Sprott, Stackhouse, Stribling, Taylor, Timmerman, VonKolnitz, Wells, A. H. White, Wigg, W. B. Wilson and Woodward.—64.

Those who voted in the negative are:

Nays—Hon. John Gary Evans, President, and Messrs. Ashe, Austin, Barker, Barry, Bellinger, Bobo, Bowman, T. W. Brice, Burn, Byrd, Cantey, Clayton, Cooper, Cunningham, Dent, Douglass, Efird, Estridge, Field, Floyd, Fraser, Garris, Gilland, Gooding, Graham, Gray, Gunter, Hamel, Harrison, Hay, Haynsworth, Howell, Houser, Irby, T. E. Johnson, Wilie Jones, J. W. Kennedy, Klugh, Lowman, Lybrand, McCalla, McCaslan, McMahan, McWhite, Matthews, Meares, Miller, J. D. Montgomery, W. J. Montgomery, Moore, Nathans, Nicholson, Otts, Parler, Patton, Peake, Perritte, Ragsdale, J. H. Read, Ros-

borough, Rowland, Russell, Sheppard, Shuler, Singletary, Sligh, Sloan, A. J. Smith, Sullivan, Talbert, B. R. Tillman. G. D. Tillman, Waters, Wharton, Stanyarne Wilson and Winkler.—76.

Mr. MEARES moved the following as a substitute for Section 11, report of Committee on the Executive Department :

He shall have power to grant reprieves, commutations and pardons after conviction (except in cases of impeachment) in such manner, on such terms and under such restrictions as the General Assembly shall prescribe; and he shall have power to remit fines and forfeitures, unless otherwise directed by law.

It shall be his duty to report to the General Assembly, at the next regular session thereafter, all pardons granted, with a full statement of each case, and the reasons moving thereunto.

The question being put, the Convention refused to adopt the substitute.

Mr. DERHAM proposed to amend Section 11, on page 5 of printed Bill, by striking out all after the word "provide" on line 10.

On motion of Mr. EFIRD, the proposed amendment was laid on the table.

Section 11 as amended was adopted.

Section 12 was adopted as reported by the Committee.

Mr. ROGERS moved the following as a substitute for Section 13 :

The Governor shall receive as compensation an annual salary of $3,000 and the Lieutenant Governor an annual salary of $500.

The question being put, the Convention refused to agree to the substitute.

Section 13 was then adopted as reported by the Committee.

Mr. B. R. TILLMAN moved to amend Section 14, line 4, by striking out the word "itemed" and inserting in lieu thereof the word "itemized," which was agreed to. The Section as amended was adopted.

Sections 15, 16, 17, 18, 19 and 20 were adopted as reported by the Committee.

Section 21. Mr. B. R. TILLMAN moved to amend by striking out the words at end of line 3, "except in case of contagion," and inserting the same words in line 1 after the word "State ;" which was agreed to. The Section as amended was adopted.

Section 22. Mr. EFIRD, for the minority of the Committee, proposed the following as Section 22 :

Section 22. The Governor shall have the right to investigate, or to order an investigation of, all embezzlements or appropriations of public funds to private use by any County officer entrusted with the care and disbursement thereof; and in case of a *prima facie* showing of embezzlement, or appropriation of funds to private use, he may suspend such officer pending a judicial investigation, and appoint some suitable person to perform the duties of such officer during such judicial investigation, and in case of conviction such appointment shall continue for the unexpired term.

Mr. HAYNSWORTH moved to amend by striking out words "and in" on ninth line, also lines 10, 11, 12, 13 and 14, and insert: "And in case of his being held by the committing officer to answer the charge before a court authorized to try the same, the Governor may, upon the recommendation of the Judge of the Circuit where the officer resides, suspend such officer pending a judicial investigation, and appoint some suitable person to perform the duties of such officer during such judicial investigation, and in case of conviction such appointment shall continue for the unexpired term."

Mr. GEO. JOHNSTONE moved the following as a substitute for the amendment of Mr. Haynsworth:

Whenever a bill of indictment by a Grand Jury shall have been found against any County officer entrusted with the care and disbursment of public funds, charging him with the embezzlement of said funds, or the appropriation of them to private use, the Governor may suspend said officer pending the trial of said officer, and shall appoint some suitable person to perform the duties of such officer.

The question being put, the Convention refused to agree to the substitute.

On motion of Mr. TALBERT, the amendment proposed by Mr. Haynsworth was laid on the table.

After debate, participated in by Messrs. Efird, Gray, Lee, George Johnstone, Ragsdale, Parrott, Haynsworth, Talbert, B. R. Tillman, W. B. Wilson, Prince, Sheppard, Connor and W. D. Evans,

Mr. GAGE moved the following as a substitute for the proposed Section 22 relating to the Executive Department:

Whenever it shall be brought to the notice of the Governor that any County officer, or any other officer who has the custody of public or trust funds, is probably guilty of embezzlement or the appropriation of public or trust funds to private use, then the Governor shall direct the immediate prosecution of such officer by the proper officer of the Circuit in which he resides, and upon true bill found the Governor shall suspend such officer and appoint one in his stead until he shall have been acquitted by the verdict of a jury.

Which was agreed to.

On motion of Mr. EFIRD, the further consideration of Section 22 was postponed until to-morrow.

Mr. GRAY moved that when this Convention adjourns it stand adjourned till 10 A. M. to-morrow; which was agreed to.

On motion of Mr. STANYARNE WILSON, the Convention, at 2:50 P. M., adjourned till 10 A. M. to-morrow.

FOURTEENTH DAY.

Wednesday, September 25, 1895.

The Convention assembled at 10 o'clock A. M.

The Secretary called the roll.

The PRESIDENT took the chair.

A quorum being present, the deliberations were opened with prayer by the Rev. Mr. ABNEY.

The Journal of yesterday's proceedings was read and confirmed.

Mr. McCOWN asked and obtained indefinite leave of absence for Mr. Gamble, of Williamsburg, on account of sickness in his family.

Mr. J. S. BRICE, at 11 A. M., asked and obtained leave of absence for balance of the day.

Mr. E. J. KENNEDY, at 10:30 A. M., asked and obtained leave of absence for Mr. Taylor for the day.

Mr. HAMEL asked and obtained indefinite leave of absence for Mr. Estridge on account of sickness.

Mr. DERHAM asked and obtained indefinite leave of absence for Mr. McDermotte on account of death in his family.

REPORTS OF STANDING COMMITTEES.

Mr. STANYARNE WILSON, for the Committee on Judicial Department, submitted the following unfavorable report:

The Committee on Judicial Department, to whom was referred an ordinance to provide compensation by exemplary damages for death resulting from willful act, omission or gross negligence, respectfully report that

they have carefully considered the same, and recommend that the same be not adopted, the subject thereof being purely legislative.

All of which is respectfully submitted.

STANYARNE WILSON,
For Committee.

The unfavorable report of the Committee was considered immediately and the resolution rejected.

Also, the following unfavorable report:

The Committee on Judicial Department, to whom was referred a resolution relating to insurance companies, respectfully report that they have carefully considered the same, and recommend that the same be not adopted, the subject thereof being purely legislative.

All of which is respectfully submitted.

STANYARNE WILSON,
For Committee.

Which was considered immediately and the resolution rejected.

Also, the following unfavorable report:

The Committee on Judicial Department, to whom was referred an ordinance relating to contracts between employers and employes, respectfully report that they have carefully considered the same, and recommend that the same be not adopted, the subject thereof being purely legislative.

All of which is respectfully submitted.

STANYARNE WILSON,
For Committee.

Which was considered immediately and the resolution rejected.

Also, the following unfavorable report:

The Committee on Judicial Department, to whom was referred an ordinance relating to the age of consent, respectfully report that they have carefully considered the same, and recommend that the same be not adopted, the subject thereof being purely legislative.

All of which is respectfully submitted.

STANYARNE WILSON,
For Committee.

Which was considered immediately and the resolution rejected.

Also, the following unfavorable report:

The Committee on Judicial Department, to whom was referred an ordinance relating to the granting of free passes, respectfully report that they have carefully considered the same, and recommend that the same be not adopted, the subject thereof being purely legislative.

All of which is respectfully submitted.

STANYARNE WILSON,
For Committee.

Which was considered immediately and the resolution rejected.

Mr. SLIGH, for the Committee on Legislative Department, submitted the following unfavorable report:

The Committee on Legislative Department, to whom was referred the following resolutions—

Resolution by Mr. Otts, Journal, 9th day, page 18, on concealed weapons;

Resolution by Mr. Estridge, Journal, 6th day, page 4, prohibiting corporation attorneys holding office;

Resolution by Mr. Moore, Journal, 10th day, page 6, publication of city and town affairs,—

Respectfully report that they have carefully considered the same, and recommend that, they being purely legislational, we have reported them unfavorably, and return them to the Convention.

All of which is respectfully submitted.

J. A. SLIGH, Chairman,
For Committee.

Which was considered immediately and the resolutions rejected.

Also the following unfavorable report:

The Committee on Legislative Department, to whom was referred the following resolutions:

Resolution by Mr. Aldrich, Journal, 4th day, page 22;

Resolution by Mr. Hamel, Journal, 10th day, page 9—Homestead;

Resolution by Mr. Wharton, Journal, 4th day, page 2—Elections and terms of office;

Resolution by Mr. Kennedy, Journal, 9th day, page 17—Limiting the term of office;

Resolution by Mr. D. S. Henderson, Journal, 2d day, page 2—Oaths to be taken by officers—

Respectfully report that they have carefully considered the same, and report them back to the Convention with an unfavorable report, having incorporated Articles covering the same subjects in our former report under Article 2 of the present Constitution.

All of which is respectfully submitted.

J. A. SLIGH, Chairman,
For Committee.

Which was considered immediately and the resolutions rejected.

Mr. GOODING, for the Committee on Charitable and Penal Institutions, submitted the following:

The Committee on Charitable and Penal Institutions ask leave to report:

That they have carefully considered the various resolutions referred to them on the subject of charities and penal matters, and herewith return to the Convention the following resolutions submitted to them, after incorporating such portions as seemed to them proper in an Article for the Constitution:

By Mr. W. F. Clayton, to regulate working of convicts; September 17, page 11.

By Mr. McWhite, to provide punishment, penal institutions and public charities; September 17, page 5.

By Mr. Gooding, proposed Article on charitable and penal institutions; September 17, page 6 of Journal.

By Mr. Glenn, to provide for the really destitute; September 13, page 9 of Journal.

By Mr. Buist, to amend Article 11, Section 1; September 12, page 11.

By Mr. W. B. Wilson, for the establishment and maintenance of a reformatory; September 18, page 18 of Journal.

W. J. GOODING,
Chairman of Committee.

Which was considered immediately and adopted.

Mr. STANYARNE WILSON, for the Committee on Judicial Department, submitted the following report:

The Committee on Judicial Department, to whom was referred a resolution relating to the ineligibility of Senators and Representatives as to holding other offices of profit, respectfully report that they have carefully considered the same, and recommend that they be discharged from the further consideration thereof, and that the same be referred to the Committee on Legislative Department.

All of which is respectfully submitted.

STANYARNE WILSON,
For Committee.

Which was considered immediately and adopted.

Mr. SHEPPARD moved to lay on the table the resolution reported by the Committee, to be taken up in connection with the report of the Committee on Legislative Department; which was agreed to.

Mr. W. D. EVANS, for the Committee on Finance and Taxation, submitted the following unfavorable report:

The Committee on Finance and Taxation, to whom was referred—

1. Proposed Article 10 of the Constitution, by Mr. Aldrich, page 35 of the Journal, September 13;

2. Proposed Article 13 of the Constitution, by Mr. Aldrich, page 36 of the Journal, September 13;

3. Resolution of Mr. Hodges as to school tax, page 1 of the Journal, September 13;

4. Resolution of Mr. Moore as to sale of land for taxes, page 13 of the Journal, September 13;

5. Resolution of Mr. Read as to date of the fiscal year, page 3 of the Journal, September 14;

6. Resolution of Mr. Evans as to collection of taxes, page 3 of the Journal, September 14;

7. Resolution of Mr. Evans as to bonded debt, page 13 of the Journal, September 17;

8. Resolution of Mr. Henderson as to issue of State bonds, page 11 of the Journal, September 17;

9. Resolution of Mr. Lowman as to bonded debt, page — of the Journal, September 19;

10. Resolution of Mr. McMahan as to the State's lien for taxes, page — of the Journal, September 21;

11. Resolution of Mr. Wigg as to separate account of taxes for white and colored, page — of the Journal, September 18;

Respectfully report that they have carefully considered the same, and recommend that they be not adopted.

All of which is respectfully submitted.

W. D. EVANS,
For Committee.

Which was considered immediately and agreed to, with the exception of No. 8, the resolution of Mr. Henderson, as to the issue of State bonds, which was ordered for consideration to-morrow.

Mr. STANYARNE WILSON, for the Committee on Judicial Department, submitted an unfavorable report on an ordinance relating to the concurrence of the whole number of a jury; which was ordered for consideration to-morrow.

Also, an unfavorable report on a resolution to amend Article 5 of the Constitution, in relation to murder and manslaughter; which was ordered for consideration to-morrow.

Also, an unfavorable report on a petition from the Women's Christian Temperance Union of Charleston relating to the age of consent; which was ordered for consideration to-morrow.

Also, an unfavorable report on an ordinance to abolish the fee system; which was ordered for consideration to-morrow.

Mr. GOODING, from the Committee on Charitable and Penal Institutions, submitted the following report:

The Committee on Charitable and Penal Institutions respectfully report the following, consisting of nine Sections, and recommend its adoption as Article — of the Constitution of the State of South Carolina:

CHARITABLE AND PENAL INSTITUTIONS.

Section 1. Institutions for the care of the insane, blind, deaf and dumb and the poor shall always be fostered and supported by this State, and shall be subject to such regulation as the General Assembly may enact.

Section 2. The Superintendent of the State Hospital for the Insane, who shall be a physician, and the Regents thereof, shall be appointed by the Governor, by and with the advice and consent of the Senate, and upon all nominations made by the Governor the question shall be taken by yeas and

nays and entered upon the journal. All other physicians, officers and employees of the Hospital shall be appointed by the Regents, unless otherwise ordered by the General Assembly.

Section 3. The respective Counties of this State shall make such provision as may be determined by law for all those inhabitants who, by reason of age, infirmities and misfortunes, may have a claim upon the sympathy and aid of society.

Section 4. The Directors of the benevolent and other State institutions which may be hereafter created shall be appointed or elected as the General Assembly may direct.

Section 5. The Directors of the Penitentiary shall be appointed or elected as the General Assembly may direct.

Section 6. All convicts sentenced to hard labor by any of the Courts in this State may be employed upon the public works of the State or Counties and upon the public highways.

Section 7. The Comptroller General, Secretary of State and Superintendent of Education, with ——— citizens of this State, to be appointed by the Governor, shall constitute a State Board of Charities. They shall appoint a Secretary, whose compensation shall be fixed by law, at the next session of the General Assembly after the adoption of this Constitution. It shall be the duty of the Secretary to visit and inspect all the charitable and penal institutions of the State, including County and municipal jails and prisons, and report to the Board, who shall report annually to the General Assembly as to their actual condition. Said Board shall have no executive power.

Section 8. Provision may be made by the General Assembly for the establishment and maintenance by the State of a Reformatory for juvenile offenders separate and apart from hardened criminals.

Section 9. The Governor shall have power to fill all vacancies that may occur in the offices aforesaid until the next session of the General Assembly and until a successor or successors shall be appointed and confirmed.

Which was ordered for consideration to-morrow.

Mr. W. D. EVANS, for the Committee on Finance and Taxation, submitted the following report, which was considered immediately and adopted :

The Committee on Finance and Taxation, to whom was referred—

1. Resolution of Mr. W. T. Field as to the State lending its credit. It has not been printed.

2. Resolution of Mr. J. M. Sullivan as to income tax. Not printed.

3. Resolution of Mr. J. M. Sullivan as to common school fund. Page 4 of Journal, September 14.

4. Resolution of Mr. Buist as to denominational institutions. Page 9 of Journal, September 17.

Respectfully report that they have carefully considered the same, and have embodied them, in whole or in part, in the Article of the Constitution on Finance and Taxation which the Committee has reported to the Convention.

All of which is respectfully submitted.

W. D. EVANS,
For Committee.

GENERAL ORDERS.

Unfinished Business.

The Convention proceeded to the consideration of Section 22, Calendar No. 13.

Whenever it shall be brought to the notice of the Governor that any County officer, or any other officer who has the custody of public or trust funds, is probably guilty of embezzlement or the appropriation of public or trust funds to private use, then the Governor shall direct the immediate prosecution of such officer by the proper officer of the Circuit in which he resides, and upon true bill found the Governor shall suspend such officer and appoint one in his stead until he shall have been acquitted by the verdict of a jury.

Mr. J. L. GLENN moved to amend by adding to the end of the Section the following words: "And in case of conviction the office shall be declared vacant, and the vacancy filled as may be provided by law."

Which was agreed to.

Mr. EFIRD moved to amend as follows: Strike out on printed resolution on lines 5 and 6 the words "of the Circuit in which he resides."

Which was agreed to.

Mr. HOWELL moved to amend as follows: Amend by inserting the words "by affidavit," after the word "Governor" on line one.

Which was agreed to.

After debate, participated in by Messrs. J. L. Glenn, Talbert, Sheppard, Timmerman, Klugh, Parrott, Burn, Ragsdale, Rogers, Connor, Efird, Stanyarne Wilson and B. R. Tillman,

Mr. TALBERT moved to indefinitely postpone the whole matter.

The question being put: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested and are as follows:

Yeas, 55; nays, 85.

Those who voted in the affirmative are:

Yeas—Messrs. Barton, Bates, Bellinger, Berry, Bowen, Bryan, Buist. Byrd, Carver, DeHay, Dennis, Derham, Doyle, Ellerbe, Farrow, Gilland, Gray, Hay, Hemphill, D. S. Henderson, Wm. Henderson, Henry, Howell, Jervey, T. E. Johnson, George Johnstone, E. J. Kennedy, Klugh, Lee, McGowan, McKagen, Miller, Mitchell, J. D. Montgomery, W. J. Montgomery, Murray, Nathans, Oliver, Par-

ler, J. H. Read, Rogers, Sheppard, Smalls, A. J. Smith, Jeremiah Smith, Stackhouse, Stribling, Talbert, Taylor, VonKolnitz, Watson, Wells, Wharton, A. H. White, and W. B. Wilson.—55.

Those who voted in the negative are :

Nays—Hon. John Gary Evans, President, and Messrs. Aldrich, Alexander, Anderson, Ashe, Atkinson, Austin, Barry, Behre, Bobo, Bowman, Breazeale, T. W. Brice, Burn, Cantey, Clayton, Connor, Cooper, Cunningham, Dent, Douglass, Dudley, Efird, W. D. Evans, Field, Fitch, Floyd, Fraser, Gage, Garris, Gary, J. L. Glenn, J. P. Glenn, Gooding, Graham, Gunter, Hamel, Harris, Haynsworth, Hodges, Houser, Hutson, Irby, Wilie Jones, Keitt, J. W. Kennedy, Lowman, Lybrand, McCalla, McCaslan, McCown, McMahan, Matthews, Meares, Moore, Mower, Nash, Nicholson, Otts, Parrott, Patterson, Patton, Peake, Perritte, Prince, Ragsdale, Redfearn, I. R. Reed, Rosborough, Rowland, Russell, Shuler, Singletary, Sligh, Sloan, R. F. Smith, Smoak, Sprott, Sullivan, B. R. Tillman, Timmerman, Waters, Stanyarne Wilson, Winkler, and Woodward.—85.

Mr. STANYARNE WILSON moved the previous question on the whole matter.

The Section as amended was adopted.

Mr. DERHAM moved to reconsider Section 11; which was agreed to.

Mr. DERHAM moved to amend line 7, printed Bill, by striking out the word "shall" and inserting the word "may;" which was agreed to.

Mr. DERHAM moved that Sections 22 and 23 be 23 and 24, respectively ; which was agreed to.

Section 23 was adopted as reported by the Committee.

Section 24. Mr. WINKLER moved to amend as follows : On line 5 after the word "law" add the following words : "The compensation of such officers shall be neither increased nor diminished during the period for which they shall have been elected;" which was agreed to.

Mr. PRINCE moved to amend as follows : On 4th line by inserting just after the word "years" the following : "and until their several successors have been chosen and qualified;" which was agreed to.

Mr. BREAZEALE moved to amend as follows : Strike out the word "two" on the 4th line and insert the word "four."

On motion of Mr. SHEPPARD, the amendment of Mr. Breazeale was laid on the table.

Section 24 as amended was adopted.

The report of the Committee on Executive Department, Calendar No. 13, was adopted as a whole as amended, and ordered engrossed for a third reading.

The Convention proceeded to the consideration of No. 9—Articles proposed by Committee on Municipal Corporations and Police Regulations.

Mr. BARKER moved to amend Section 1 as follows: To strike out after the words "charters may" the words "abandon the same and reorganize under the general laws of the State," and substitute the following words: "May reorganize under the general laws of the State, and when so reorganized their special charters shall cease and determine;" which was agreed to.

After discussion, on motion of Mr. B. R. TILLMAN, the Section as amended was recommitted to the Committee.

Section 2, on motion of Mr. B. R. TILLMAN, was recommitted to the Committee.

Section 3 was adopted as reported by the Committee.

Section 4. Mr. BARKER moved to amend as follows: Strike out the words "first obtaining," on line 4, of Section 4, and insert the following words: "requiring the grantee of such right to obtain;" which was agreed to.

Mr. PATTERSON moved to indefinitely postpone Section 4.

The question being put, the Convention refused to indefinitely postpone.

The Section as amended was adopted.

Section 5. On motion of Mr. SLOAN, and after debate, participated in by Messrs. Sloan, Buist, Henderson and Ragsdale, the Section was stricken out.

Section 6. Mr. PRINCE moved to amend as follows: By inserting, on line two, after the word "light," the words "for public purposes," and on same line, immediately before the word "furnish," insert the word "incidentally."

On motion of Mr. HENDERSON, the amendment was laid on the table.

Mr. WELLS moved to amend by adding the following to the end of the Section: "*Provided,* That no such construction or purchase shall be made, except upon a majority vote of the electors in said cities or towns who are qualified to vote on the bonded indebtedness of said cities or towns;" which was agreed to.

The Section as amended was adopted.

Section 7. Mr. RAGSDALE moved to amend as follows: Strike out on line 3 of Section 7 the words "presiding officer of;" which was agreed to.

Mr. GEO. JOHNSTONE moved to amend as follows: "*Provided*, The accused be first given the right to demand and have given him a trial by a jury."

After debate, participated in by Messrs. Johnstone, Prince, Patterson, Evans and Henderson,

Mr. HENDERSON moved to lay the amendment on the table.

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows:

Yeas, 85; nays, 48.

Those who voted in the affirmative are:

Yeas—Hon. Jno. Gary Evans, President, and Messrs. Alexander, Ashe, Austin, Barker, Bates, Bellinger, Berry, Bowman, Buist, Clayton, Connor, Cunningham, DeHay, Dent, Derham, Douglass, Doyle, Efird, Gage, Garris, Gilland, J. L. Glenn, J. P. Glenn, Graham, Gray, Gunter, Harris, Hay, Hemphill, D. S. Henderson, Wm. Henderson, Houser, Wilie Jones, Keitt, J. W. Kennedy, Klugh, Lee, Lowman, Lybrand, McCalla, McCaslan, McGowan, McKagen, McMahan, McMakin, McWhite, Matthews, Meares, Mitchell, W. J. Montgomery, Moore, Morrison, Murray, Nash, Nathans, Nicholson, Otts, Patterson, Peake, Prince, Ragsdale, Redfearn, Rosborough, Rowland, Russell, Shuler, Sloan, A. J. Smith, Sprott, Stackhouse, Stribling, Sullivan, Talbert, B. R. Tillman, Timmerman, Wells, Wharton, A. H. White, Wiggins, Stanyarne Wilson, W. B. Wilson, and Woodward.—83.

Those who voted in the negative are:

Nays—Messrs. Aldrich, Anderson, Atkinson, Barry, Barton, Bobo, Bowen, T. W. Brice, Bryan, Burn, Byrd, Cantey, Dennis, Dudley, Ellerbe, W. D. Evans, Farrow, Field, Fitch, Fraser, Gooding, Haynsworth, Henry, Hodges, Howell, Hutson, Irby, Jervey, T. E. Johnson, George Johnstone, E. J. Kennedy, McCown, McWhite, Miller, J. D. Montgomery, Mower, Parler, Parrott, Perritte, J. H. Read, John Reed, Rogers, Sheppard, Singletary, Sligh, Smalls, Jeremiah Smith, R. F. Smith, G. D. Tillman, Waters, Whipper, and Wigg.—54.

Mr. JEREMIAH SMITH moved that the following be added to the end of Section 7: "*Provided*, The defendant in all causes, on demand, shall have the right to a trial by jury of at least six."

After debate, participated in by Messrs. Jeremiah Smith, Aldrich, Otts, Bellinger, Burn, Henderson, Fitch, Haynsworth, Bowman and Montgomery, the amendment was agreed to.

Mr. HUTSON offered the following as a substitute for Section 7 as amended:

The General Assembly is authorized and empowered to provide suitable legislation for the organization of municipal Courts, their powers and duties, including the right of appeal in all cases, civil and criminal, which in their judgment is proper.

Mr. SHEPPARD moved that the Convention recede from business until 8 P. M. this day.

Mr. D. S. HENDERSON moved that the Convention do now adjourn.

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows:

Yeas, 69: nays, 67.

Those who voted in the affirmative are:

Yeas—Messrs. Aldrich, Alexander, Anderson, Ashe, Austin, Bates, Bellinger, Bowen, Bryan, Cunningham, DeHay, Dennis, Dent, Dudley, Fitch, Floyd, Fraser, Gage, Gary, J. L. Glenn, Gooding, Harrison, Hemphill, D. S. Henderson, Henry, Hodges, Houser, Hutson, Irby, Jervey, George Johnstone, Wilie Jones, E. J. Kennedy, J. W. Kennedy, Klugh, Lee, McGowan, McKagen, McMahan, McMakin, Miller, Mitchell, J. D. Montgomery, W. J. Montgomery, Mower, Murray, Nathans, Nicholson, Oliver, Parrott, Patterson, Patton, Peake, J. H. Read, Redfearn, John Reed, Rogers, Shuler, Sloan, Smalls, A. J. Smith, Jeremiah Smith, Stribling, B. R. Tillman, G. D. Tillman, VonKolnitz, Whipper, Wigg, and W. B. Wilson.—69.

Those who voted in the negative are:

Nays—Hon. Jno. Gary Evans, President, and Messrs. Atkinson, Behre, Berry, Bobo, Bowman, Breazeale, T. W. Brice, Buist, Burn, Byrd, Cantey, Carver, Clayton, Connor, Derham, Douglass, Doyle, Efird, Ellerbe, W. D. Evans, Farrow, Field, Gilland, J. P. Glenn, Graham, Gray, Gunter, Hamel, Harris, Haynsworth, Wm. Henderson, T. E. Johnson, Keitt, Lowman, Lybrand, McCalla, McCaslan, McCown, McWhite, Matthews, Meares, Moore, Morrison, Nash, Otts, Perritte, Prince, Ragsdale, Rosborough, Russell, Sheppard, Singletary, R. F. Smith, Smoak, Sprott, Sullivan, Talbert, Timmerman, Waters, Wells, Wharton, A. H. White, Wiggins, Stanyarne Wilson, Winkler, and Woodward.—67.

The pending question being the substitute proposed by Mr. HUTSON for Section 7, the Convention, at 2:50 o'clock P. M,, adjourned until 11 A. M. to-morrow.

FIFTEENTH DAY.

Thursday, September 26th, 1895.

The Convention assembled at 11 o'clock A. M.

The Secretary called the roll.

The PRESIDENT took the chair.

A quorum being present, the deliberations were opened with prayer by the Rev. Mr. ABNEY.

The Journal of yesterday's proceedings was read and confirmed.

Mr. STANYARNE WILSON offered the following, which was considered immediately and agreed to:

Resolved, That the Committee on Judicial Department have leave to have printed certain drafts of a judicial system which are before them for consideration.

REPORT OF STANDING COMMITTEE.

Mr. FRASER, for the Committee on Order, Style and Revision, submitted the following, which was considered immediately:

REPORT OF THE COMMITTEE ON ORDER, STYLE AND REVISION ON THE ORDINANCE TO ESTABLISH SALUDA COUNTY.

The Committee on Order, Style and Revision, to whom was referred "An ordinance to establish a new judicial and election County from a portion of the territory of Edgefield County, to be called Saluda, with boundaries as hereinafter described," ask leave to report:

That, besides amendments of minor importance, several amendments very important to the perfection of the ordinance appear to the Committee to be necessary.

In reference to these more important matters the scope of the power of the Committee may be a matter of some difference of opinion.

The Committee deem it their duty, however, to suggest these various amendments and to recommend their adoption:

1. Strike out in the title on line 6 the word "met" and insert the word "assembled."

2. Strike out on page 2, line 1, the word "poast" and insert the word "post."

3. Strike out on page 2, line 4, the word "intersection" and insert the word "junction."

4. Strike out on page 2, line 4, all after the word "road," down to and including the word "bridges," at the end of line 8, and insert the following: "To Matt Mathis's crossroads, thence a straight line to Owdom's postoffice, thence a straight line to Little Red Hill School House, near Dr. Landrum's old place, thence a straight line to a point on the northwestern line of Pine Grove Township one mile north of Double Bridges."

5. On page 3, line 5, insert between the words "County seat" and "and" "*Provided*, That the County seat shall be located within three (3) miles of the geographical centre of the County, to be ascertained by drawing diagonal lines from the four corners of the County and taking the point of crossing as such centre; the particular site to be decided by vote of the people in said County at an election which shall be held in accordance with law by order of the Governor."

6. At the end of Section six (6) between the words "Sessions" and "shall" the words "and Common Pleas," and at the end of Section six (6) add the words "such times as shall be fixed by law."

7. Add a Section to be known as Section 9:

9. The General Assembly may pass any Act not inconsistent with this ordinance to carry the same into effect.

All of which is respectfully submitted.

T. B. FRASER, Chairman.

On motion of Mr. SHEPPARD, the amendments proposed by the Committee were agreed to.

Mr. SHEPPARD, for the Committee on Rules, submitted the following, which was considered immediately and agreed to:

To the President and Members of the Convention:

The Committee on Rules respectfully report the following Rule, and recommend its adoption.

All of which is respectfully submitted.

J. C. SHEPPARD.
J. E. BREAZEALE.
C. W. GARRIS.

RESOLUTION TO AMEND RULE XLI.

Resolved, That Rule XLI be amended by adding at the close thereof: It shall be a sufficient ratification of all ordinances passed by this Convention, other than the Constitution of the State, if the same is signed by the President and attested by the Secretary of this Convention.

Mr, SLIGH, for the Committee on Legislative Department, submitted the following unfavorable report:

REPORT OF THE COMMITTEE ON LEGISLATIVE DEPARTMENT.

The Committee on Legislative Department, to whom was referred the following resolution:

By Mr. McMahan, Journal, 12th day, page 10—On formation of a Department for Roads and Forestry;

Respectfully report that they have carefully considered the same, and recommend that it be not adopted.

All of which is respectfully submitted.

J. A. SLIGH, Chairman,
For Committee.

Which was ordered for consideration to-morrow.

Also, the following unfavorable report, which was considered immediately and the resolutions rejected :

REPORT OF THE COMMITTEE ON LEGISLATIVE DEPARTMENT.

The Committee on Legislative Department, to whom was referred the following resolutions :

By Mr. McMahan, Journal, 12th day, page 4, regulating marriages;

By Mr. McMahan, Journal, 12th day, page 10, to suppress certain publications ;

By Mr. Austin, Journal, 12th day, page 9, relating to concealed weapons;

Respectfully report that they have carefully considered the same, and recommend that they be not adopted.

All of which is respectfully submitted.

J. A. SLIGH, for Committee.

Mr. OTTS, for a portion of Committee on Counties and County Government, submitted the following :

REPORT OF G. D. TILLMAN, A. K. SMOAK, J. W. KENNEDY, J. O. A. MOORE, J. C. OTTS AND R. R. STACKHOUSE, WHO CONSTITUTE THE HALF OF WHAT WAS ONCE THE WHOLE COMMITTEE ON COUNTIES AND COUNTY GOVERNMENT, AND WHO HAVE NO CHAIRMAN, NO CLERK, NO PAPERS, NO RESOLUTIONS, AND NO NAME BY WHICH TO DESIGNATE THEIR HALF OF THE COMMITTEE.

The undersigned members of the Committee on Counties and County Government have carefully considered the various resolutions submitted to them, and while unable to report separately upon the resolutions, they being in the hands of the Chairman of the original Committee, we have endeavored to incorporate the best features of each in our report, and recommend that the provisions herein submitted be embodied in the Constitution as Article —.

All of which is respectfully submitted.

G. D. TILLMAN.
A. K. SMOAK.
J. W. KENNEDY.
J. O. A. MOORE.
J. C. OTTS.
R. P. STACKHOUSE.

Section 1. The several Counties of this State are each declared a body politic and corporate. Each County shall constitute one election district.

Section 2. The boundaries of the several Counties shall remain as now established, except the boundaries of the County of Edgefield shall undergo

such changes as are made necessary by the formation of a new County from a portion of Edgefield, to be known as Saluda, the boundaries of which are set forth in a Constitutional ordinance.

Section 3. The General Assembly shall have the power at any time to organize new Counties by changing the boundaries of old ones, but no new Counties shall be hereafter formed of less area than four hundred square miles, nor shall any existing County be reduced to less extent: *Provided*, That no old County shall be reduced to less than ten thousand inhabitants, as shown by the last State or National census, nor be reduced to less amount of taxable property than one million and five hundred thousand dollars, as shown by the last tax returns.

Section 4. Whenever three hundred freeholders within the area of a proposed new County shall petition for organization of a County, the Governor shall order an election within a reasonable time before the meeting of the next session of the Legislature, and if a majority of the qualified electors voting in each part of the County or Counties proposed to be dismembered and embraced in the new County shall separately vote therefor, it shall be the duty of the Legislature to establish such new County at its next session; but elections as herein provided shall not be held in any proposed County oftener than once in four years.

Section 5. All Counties formed in accordance with the above Sections shall assume an equitable proportion of the existing indebtedness of the County or Counties from which its territory is taken.

Section 6. The Legislature may provide for the consolidation of two or more existing Counties if a majority of the qualified electors of such Counties voting at an election held for that purpose shall vote separately therefor, but such elections shall not be held oftener than once in four years in the same Counties.

Section 7. Each County shall elect a Sheriff, a Clerk of the Court and a Coroner, whose respective terms of office shall be four years, and whose powers and duties shall be defined by law, provided the Sheriff shall not be eligible to re-election until the expiration of four years.

Section 8. A chain gang shall be established in every County in the State: *Provided*, That this Section shall not prevent two or more Counties from consolidating their respective chain gangs.

Section 9. Each of the several townships of this State, with names and boundaries as now established by law, shall constitute a body politic; but this shall not prevent the Legislature from organizing other townships.

Section 10. The freehold voters of each township shall elect, at such times and for such term of office as may be prescribed by law, three discreet persons, to be known as the Board of Township Directors, who shall have charge of the township roads, bridges and ferries, the public schools, appoint the Managers of all Federal, State, County and township elections, shall register all qualified voters of the township, and shall discharge such other duties and receive such compensation for their services as the Legislature may prescribe.

Section 11. The General Assembly may exempt any County from such township system of government whenever a majority of the freehold voters of the County shall petition therefor.

Which was ordered for consideration to-morrow.

GENERAL ORDERS.

Unfinished Business.

The Convention resumed the consideration of Section 7 of the report of the Committee on Municipal Corporations and Police Regulations, the same being the substitute adopted yesterday.

Mr. HENDERSON submitted the following as a substitute for the substitute adopted yesterday:

"The General Assembly shall provide a uniform system for trials in the municipal Courts in the cities and towns of this State, and for appeals from the judgment thereof. Said Courts shall have the power to impose fines not exceeding one hundred dollars, or imprisonment not exceeding thirty days, or both fine and imprisonment, and may couple with the imprisonment hard labor on the streets or public works of the city or town. The trial by a jury of six—if demanded by the accused—shall be allowed in such manner and on such terms as the General Assembly may prescribe."

After debate, on motion of Mr. STANYARNE WILSON, the further consideration of Section 7, with amendment proposed, was passed over for the present.

Section 8. Mr. BATES moved to amend Section 8 by inserting between the words "towns" and "in," in the first line, the words "and villages," and the same words between the words "town" and "shall" in the fifth line, and strike out the word "and" wherever it appears between the words "cities" and "towns."

Which, on motion of Mr. D. S. HENDERSON, was laid on the table.

Mr. DERHAM moved to amend on page 3, Section 8, line 2, by striking out "assess and."

Which, on motion of Mr. D. S. HENDERSON, was laid on the table.

Mr. ROGERS moved to amend line 7 of Section 8 by substituting "imposition" for the word "distribution," and the word "upon" for the words "in and among," and on line 6 change "privileged" to "privilege;" which was agreed to.

Mr. BELLINGER proposed to amend as follows: After the word "property" on the fourth line, "including the capital stock of corporations therein situated."

After debate by Messrs. Bellinger, Henderson, Nathans,

On motion of Mr. D. S. HENDERSON, the proposed amendment was laid on the table,

Mr. CLAYTON moved to amend line 7 by inserting after the word "classes" the word "subject;" which was agreed to.

The Section as amended was adopted.

Section 9. Mr. GRAY moved to amend line 2 by striking out the word "ten" and inserting in lieu thereof the word "eight;" which was agreed to.

Mr. BARKER submitted the following as a substitute for the whole Section :

That it shall not be lawful for any municipal corporation of the State to create any debt beyond the income for the current year, or to endorse or guarantee the notes, bonds or obligations, or accept the drafts, of any company, corporation, person or persons, for any purpose whatsoever, unless the following terms and conditions be first observed and complied with :

1. A resolution declaring the intention of the said town or city council to create such indebtedness, or incur such liability, and specifying the amount and the nature and character thereof, shall first be passed at a regular meeting of said town or city council by a vote of two-thirds of the whole body,

2. That the proposition after being adopted in such manner by the said council shall be submitted to the qualified voters of the said city or town, at an election to be held under resolutions of the said council, after ninety days' notice thereof; and should two-thirds of the number of qualified voters, voting at the preceding municipal election, vote affirmatively at said election, the proposition shall then be submitted to the General Assembly of the State of South Carolina for approval; and should the proposition be approved by the said General Assembly, the said town or city council shall have the authority to make the debt or incur the liability.

On motion of Mr. STANYARNE WILSON, the proposed substitute was ordered printed in the Journal, and the further discussion thereon continued till to-morrow, the pending question being the substitute proposed by Mr. Barker.

Section 10. Mr. STANYARNE WILSON moved to strike out Section 10.

After debate, participated in by Messrs. Stanyarne Wilson, D. S. Henderson, Patton, Haynesworth, Sheppard, Buist, Sloan, Burn, Talbert, Timmerman, Ragsdale, Sligh, W. B. Wilson, Rogers, W. D. Evans and Geo. Johnstone.

Mr. D. S. HENDERSON moved to indefinitely postpone the motion to strike out Section 10.

The question being put : "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows :

Yeas, 75 ; nays, 74.

Those who voted in the affirmative are :

Yeas—Hon. Jno. Gary Evans, President, and Messrs. Aldrich, Ashe, Barker, Bates, Bellinger, Berry, Bowman, J. S. Brice, T. W.

Brice, Bryan, Buist, Burn, Dent, Derham, Dudley, Ellerbe, Farrow, Fitch, Gage, Gary, Gilland, J. L. Glenn, J. P. Glenn, Graham, Gray, Hay, Haynsworth, D. S. Henderson, Hodges, Howell, Jervey, Wilie Jones, E. J. Kennedy, Klugh, Lee, McCaslan, McGowan, McMahan, McWhite, Meares, Miller, Mitchell, W. J. Montgomery, Nathans, Nicholson, Oliver, Patterson, Patton, Perritte, Prince, Ragsdale, J. H. Read, I. R. Reed, Rogers, Sheppard, Singletary, Sloan, Smalls, Jeremiah Smith, R. F. Smith, W. C. Smith, Sprott, B. R. Tillman, G. D. Tillman, Timmerman, VonKolnitz, Watson, Wells, Wharton, Whipper, A. H. White, S. E. White, Wigg and Wiggins.—75.

Those who voted in the negative are :

Nays—Messrs. Alexander, Anderson, Atkinson, Austin, Barry, Barton, Behre, Bobo, Bowen, Breazeale, Byrd, Cantey, Carver, Clayton, Connor, Cooper, Cunningham, DeHay, Dennis, Douglass, Doyle, Efird, W. D. Evans, Field, Floyd, Fraser, Garris, Gooding, Gunter, Hamel, Harris, Harrison, Hemphill, Wm. Henderson, Henry, Houser, Hutson, Irby, T. E. Johnson, George Johnstone, Keitt, J. W. Kennedy, Lowman, Lybrand, McCalla, McCown, McKagen, Matthews, Moore, Morrison, Mower, Murray, Nash, Otts, Parler, Parrott, Peake, Redfearn, Rosborough, Rowland, Russell, Shuler, Sligh, Smoak, Stribling, Sullivan, Talbert, Taylor, Waters, Stanyarne Wilson, W. B. Wilson, Winkler and Woodward.—74.

Mr. ROGERS moved to amend Section 10 as follows: On line 1, before the word "taxation," insert the word "municipal." Strike out all of lines 3 and 4 after the word "Constitution."

Which was agreed to.

Mr. S. E. WHITE moved to amend Section 10 by inserting after "$10,000," on line 4, the words "*Provided,* The majority of the qualified voters shall consent to the same."

Which, on motion of Mr. PATTERSON, was laid on the table.

Mr. STANYARNE WILSON moved to indefinitely postpone the Section as amended.

After debate by Messrs. Meares, Stribling, Gray, Otts, Patterson and Irby,

Mr. MEARES moved to lay on the table the motion to indefinitely postpone.

The question being put : "Will the Convention agree thereto ?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows :

Yeas, 74 ; nays, 73.

Those who voted in the affirmative are :

Yeas—Hon. Jno. Gary Evans, President, and Messrs. Aldrich, Anderson, Ashe, Barker, Bates, Bellinger, Berry, Bowman, J. S.

Brice, T. W. Brice, Bryan, Buist, Burn, Dent. Derham, Dudley, Ellerbe, Farrow, Fitch, Gage, Gary, Gilland, J. L. Glenn, J. P. Glenn, Graham, Gray, Hay, Haynsworth, D. S. Henderson, Hodges, Howell, Jervey, Wilie Jones, E. J. Kennedy, Klugh, Lee, McCaslan, McGowan, McMahan, McWhite, Meares, Miller, Mitchell, W. J. Montgomery, Nathans, Nicholson, Oliver, Patterson, Patton, Prince, Ragsdale, J. H. Read, I. R. Reed, Rogers, Sheppard, Singletary, Sloan, Jeremiah Smith, R. F. Smith, W. C. Smith, Sprott, B. R. Tillman, G D. Tillman, Timmerman, VonKolnitz, Watson, Wells, Wharton, Whipper, A. H. White, S. E. White, Wigg, and Wiggins.—74.

Nays—Messrs. Alexander, Atkinson, Austin, Barry, Barton, Behre, Bobo, Bowen, Breazeale. Byrd, Cantey, Carver, Clayton, Connor, Cooper, Cunningham, DeHay, Dennis, Douglass, Doyle, Efird, W. D. Evans, Field, Floyd, Fraser, Garris, Gooding, Gunter, Hamel, Harris, Harrison, Hemphill, W. Henderson, Henry, Houser, Hutson, Irby, T. E. Johnson, George Johnstone, Keitt, J. W. Kennedy, Lowman, Lybrand, McCalla, McCown, McKagen, McMakin, Matthews, Moore, Morrison, Mower, Murray, Nash, Otts, Parler, Parrott, Peake, Redfearn, Rosborough, Rowland, Russell, Shuler, Sligh, Smoak, Stribling, Sullivan, Talbert, Taylor, Waters, Stanyarne Wilson, W. B. Wilson, Winkler, and Woodward—73.

Mr. BYRD moved that the Convention do now adjourn.

The question being put, "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 36; nays, 111.

Those who voted in the affirmative are:

Yeas—Messrs. Alexander, Anderson, Barry, Barton, Behre, Bobo, Bowen, Byrd, Clayton, Cooper, Cunningham, DeHay, Doyle, Efird, Floyd, Fraser, Hamel, Harris, Hay, Johnstone, Lee, Lybrand, McMakin, Matthews, Moore, Mower, Otts, Parler, Parrott, I. R. Reed, Rosborough, Shuler, Stribling, Taylor, Waters, and W. B. Wilson.—36.

Those who voted in the negative are:

Nays—Hon. Jno. Gary Evans, President, and Messrs. Aldrich. Ashe, Atkinson, Austin, Barker, Bates, Bellinger, Berry, Bowman, Breazeale, J. S. Brice, T. W. Brice, Bryan, Buist, Burn, Cantey, Carver, Connor, Dennis, Dent. Derham, Douglass, Dudley, Ellerbe, W. D. Evans, Field, Fitch, Gage, Garris, Gary, Gilland, J. L. Glenn. J. P. Glenn, Gooding, Graham, Gray, Gunter, Harrison, Haynsworth, Hemphill, D. S. Henderson, William Henderson, Henry, Hodges, Houser, Hutson, Irby, Jervey, Johnson, Wilie Jones, Keitt, E. J. Kennedy, nedy, J. W. Kennedy, Klugh, Lowman, McCalla, McCaslan, McCown,

McGowan, McKagen, McMahan, McWhite, Meares, Miller, Mitchell, W. J. Montgomery, Morrison, Murray, Nash, Nathans, Nicholson, Oliver, Patterson, Patton, Peake, Perritte, Prince, Ragsdale, J. H. Read, Redfearn, Rogers, Rowland, Russell, Sheppard, Singletary, Sligh, Sloan, Smalls, A. J. Smith, Jeremiah Smith, R. F. Smith, W. C. Smith, Smoak, Sprott, Sullivan, Talbert, B. R. Tillman, G. D. Tillman, Timmerman, VonKolnitz, Watson, Wells, Wharton, Whipper, A. H. White, S. E. White, Wigg, Stanyarne Wilson, Winkler, and Woodward.—112.

On motion of Mr. TALBERT the Convention, at 2:30 P. M., receded from business till 8:05 P. M. this day.

RECESS.

The PRESIDENT resumed the chair at 8:05 P. M.

REPORTS OF STANDING COMMITTEES.

Mr. SLOAN, for the Committee on Miscellaneous Matters, submitted the following, which was ordered for consideration to-morrow:

REPORT OF COMMITTEE ON MISCELLANEOUS MATTERS.

To the Honorable the Constitutional Convention of the State of South Carolina:

The Committee on Miscellaneous Matters ask leave to report that they have carefully considered the various resolutions referred to them, and herewith present as the result of their deliberations a proposed Article for the Constitution.

The Committee herewith return the following papers submitted to them, on which they make an unfavorable report, and recommend that they be not adopted:

1. Resolution of Mr. D. S. Henderson relating to the granting of divorces in this State, page 2 of Journal of the 11th of September;

2. Resolution of Mr. T. E. Dudley to prohibit divorce from bond of matrimony, page 10 of Journal of the 12th of September;

3. Resolution of Mr. J. C. Alexander to prohibit the sale of products of public institutions in the markets of this State, page 8 of Journal of the 16th of September;

4. Resolution of Mr. H. B. Buist to insert in Article 14 of the Constitution a provision to prohibit the General Assembly from auditing or allowing any private claim or account against the State or any County, but may appropriate money or order the proper officer or officers to pay such claims as shall have been audited and allowed according to law, page 4 of Journal of the 18th of September;

5. Resolution of Mr. M. P. Howell relating to married woman's property, now Section 8, Article 14, of present Constitution, page 17 of Journal of the 18th of September;

6. Ordinance of Mr. J. O. A. Moore relating to exemption of personalty, page 6 of Journal of the 20th of September;

7. Ordinance of Mr. John J. McMahan to forbid the granting of divorces, but to provide for the recognition of divorces regularly granted by other sovereignties, page 2 of Journal of the 21st of September.

The Committee further recommend that they be discharged from the further consideration of the ordinance of Mr. John J. McMahan to forbid discrimination on account of religion, page 9 of Journal of the 20th of September, and respectfully ask that the same be referred to the Committee on Declaration of Rights.

Respectfully submitted,

JOHN T. SLOAN,
Chairman.

MISCELLANEOUS MATTERS.

Article ——

Section 1. No person shall be elected or appointed to any office in this State unless he possess the qualifications of an elector.

Section 2. The General Assembly may direct, by law, in what manner claims against the State may be established and adjusted.

Section 3. Divorces from the bonds of matrimony shall not be allowed but by the judgment of a Court, as shall be prescribed by law.

Section 4. No person who denies the existence of the Supreme Being shall hold any office under this Constitution.

Section 5. The printing of the laws, journals, bills, legislative documents and papers for each branch of the General Assembly, with the printing required for the Executive and other departments of the State, shall be let, on contract, in such manner as shall be prescribed by law.

Section 6. The General Assembly shall provide for the removal of all causes which may be pending when this Constitution goes into effect to Courts created by the same.

Section 7. No lottery shall ever be allowed, or be advertised by newspapers or otherwise, or its tickets be sold in this State, and the General Assembly shall provide by law at its next session for the enforcement of this provision.

Section 8. All persons who shall be elected or appointed to any office of profit or trust, before entering on the execution thereof, shall take the following oath and no other: "I do swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been appointed, and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect and defend the Constitution of this State, and that of the United States. So help me God."

Section 9. That any person holding an office of honor, trust or profit who shall engage in gambling or betting on games of chance shall become

thereby disqualified from the further exercise of the functions of his office, and that the same shall be declared vacated.

Section 10. The real and personal property of a woman held at the time of her marriage, or that which she may thereafter acquire, either by gift, grant, inheritance, devise or otherwise, shall not be subject to levy and sale for her husband's debts, unless by her own act she makes herself liable therefor, but shall be her separate property, and she shall have all the rights incident to the same to which an unmarried woman or a man is entitled. She shall have the power to contract and be contracted with in the same manner as if she were married.

Section 11. All laws now in force in this State and not repugnant to this Constitution shall remain and be in force until altered or repealed by the Legislature or shall expire by their own limitations.

Mr. FIELD, for the Committee on Contingent Accounts and Expenses, submitted the following, which was considered immediately and rejected :

REPORT OF THE COMMITTEE ON CONTINGENT ACCOUNTS AND EXPENSES.

The Committee on Contingent Accounts and Expenses, to whom was referred the account of Arthur F. Harman, as Clerk of the Committee on the Executive Department, for sixteen days services—amount, $32, respectfully report that they have carefully considered the same, and recommend that it be paid.

All of which is respectfully submitted.

W. T. FIELD, Chairman.

Mr. FITCH, for the Committee on Contingent Accounts and Expenses, submitted the following, which was considered immediately, adopted, and the account ordered paid :

REPORT OF THE COMMITTEE ON CONTINGENT ACCOUNTS AND EXPENSES.

The Committee on Contingent Accounts and Expenses, to whom was referred the claims of Messrs J. W. Gibbes & Co., amounting to the sum of seventy-six 50-100 dollars for stationery, respectfully report that they have carefully considered the same, and recommend that the sum of seventy-six 50-100 dollars be paid.

All of which is respectfully submitted.

W. M. FITCH,
For Committee.

[*Delivered to Secretary.*]

1895.

Sept. 11.	170 legal cap pads @ 15c	$25 50
	1 doz. qts. Carter's Fluid	7 00
	2 gross Crown penholders @ $5	10 00
	5 gross Esterbrook Falcon pens @ 75c	3 75

	1 qt. Carter's mucilage	1 00
	2 desk pads and blotters	1 25
	1 great gross Faber's assorted bands	1 75
	1 gross No. 31 Faber's assorted bands	50
	5½ doz. shoe strings	25
	4 boxes assorted paper fasteners	75
	1 gross Faber's hexagon gilt pencils	7 00
	½ gross Dixon's Cabinet pencils	2 00
	½ gross Eagle triangular pencils	2 50
	1 gross Delmar office pencils	4 50
		$67 75
	Less qt. Carter's mucilage	1 00
		$66 75

[*Delivered to Clerk, Committee on Education.*]

Sept. 14.	1 ream legal size typewriter linen	$ 1 35
	1 ream letter size typewriter linen	1 15
	1 dox. sheets carbon paper	50
	½ doz. note books	50
	2 Ramsey's automatic inkstands @ 50c	1 00
		$ 4 50

[*Delivered to Clerk, Committee on Miscellaneous Matters.*]

Sept. 15.	½ ream typewriter linen	$ 50
	½ ream typewriter linen	70
		$ 1 20

[*Delivered to Chief of Engrossing Department.*]

Sept. 18.	1 gross Spencerian pens	$ 1 00
	1 doz. triangular pencils	50
	2 doz. Delmar pencils	1 00
	1 pt. Carter's crimson fluid	1 25
		$ 3 75

[*Delivered to Secretary.*]

Sept. 20.	1 2-line rubber stamp	$ 30

Also the following, which was considered immediately, adopted and the account ordered paid :

The Committee on Contingent Accounts and Expenses, to whom was referred the claim of Mr. ——— as the clerk of the Executive Committee, respectfully report that they have carefully considered the same, and recommend that as Mr. Arthur F. Harman, the clerk of the Executive Committee, has this day resigned, and his resignation has been accepted by the Executive Committee, and that Mr. Arthur F. Harman be paid the same

per diem as the members of the Convention from the date of his appointment, the twelfth day of September, 1895, to the twenty-seventh day of September, 1895, and that the Secretary of the Convention do issue the warrant for the sum of ($30) thirty dollars immediately.

All of which is respectfully submitted.

W. M. FITCH, for Committee.

Mr. HARRISON submitted the following separate report of a part of the Committee on Counties and County Government, which was ordered for consideration to-morrow:

While I have signed one of the reports of one-half of the Committee on County Government, headed by Mr. Austin, I wish it distinctly understood that such signature was given with the right and permission of these reservations:

1st. There should be a Section reported including certain County officers and their duties, as embraced in a resolution presented by the undersigned.

2d. That there should be no limitation as to how near new County lines should run to existing court houses.

All of which is respectfully submitted.

A. J. HARRISON.

Mr. AUSTIN, for the Committee on Counties and County Government, submitted the following report, which was ordered for consideration to-morrow:

REPORT OF ONE-HALF OF THE COMMITTEE ON COUNTIES AND COUNTY GOVERNMENT.

We, the undersigned members of the Committee on Counties and County Government, beg leave to report that we have carefully considered all matters referred to us, and herewith submit an Article of the Constitution, and respectfully recommend its adoption.

J. THOMAS AUSTIN.
R. L. HENRY.
T. E. JOHNSON.
E. N. REDFEARN.
A. J. HARRISON.
FRANK B. GARY.

ARTICLE ——.

NEW COUNTIES.

SECTION 1. The Legislature may, from time to time, establish new Counties in the following manner:

Whenever one-third of the qualified voters within the area of a proposed new County shall petition the Governor for the creation of a new County, the Governor shall order an election, within a reasonable time thereafter, by the qualified voters within the proposed area, in which election they shall vote "yes" or "no" upon the question of creating said new County.

Section 2. If a majority of the qualified voters within the several sections proposed to be formed into a new County shall separately vote "yes" upon such question, then the Legislature shall establish such new County: *Provided*, That an election upon such question shall not be ordered upon the same proposed new County oftener than once in four years.

Section 3. No new County hereafter formed shall contain less than one hundred and twenty-fourth part of the whole number of the inhabitants of the State, nor shall it have less assessed taxable property than two millions of dollars, nor shall it contain less area than four hundred square miles.

Section 4. No old County shall be reduced to less area than five hundred square miles, to less assessed taxable property than two million dollars, nor to a smaller population than fifteen thousand inhabitants.

Section 5. No new County line shall be run nearer to an established Court House than ten miles: *Provided*, That this Section shall not apply to Court Houses located in Counties not proposed to be dismembered.

Section 6. All new Counties hereafter formed shall bear a just apportionment of the valid indebtedness of the old County or Counties from which they have been formed.

The Committee on Counties and County Government, to whom was referred an ordinance relating to the area and formation of Counties, being Article 2 of the present Constitution, introduced by Mr. George Johnstone, and printed in the Journal of the twelfth day, page 6; introduced by Mr. Nicholson, and printed in the Journal of the ninth day, page 20; introduced by Mr. Klugh, and printed in the Journal of the ninth day, page 15, respectfully report that they have carefully considered the same, and make an unfavorable report thereon.

All of which is respectfully submitted.

J. THOMAS AUSTIN,
For Committee.

The Committee on Counties and County Government, to whom was referred a resolution relating to the formation of new Counties, introduced by Mr. J. S. Brice, and printed in the Journal of the tenth day, page 7; introduced by Mr. Harrison, and printed in the Journal of the ninth day, page 15; introduced by Mr. Klugh, and printed in the Journal of the ninth day, page 18; introduced by Mr. Otts, and printed in the Journal of the ninth day, page 12; introduced by Mr. Gilland, and printed in the Journal of the eleventh day, page 2; introduced by Mr. Parler, and printed in the Journal of the eighth day, page 19; introduced by Mr. Irby, and printed in the Journal of the eighth day, page 2; introduced by Mr. McMahan, and printed in the Journal of the tenth day, page 4; introduced by Mr. Hamel, and printed in the Journal of the tenth day, page 8; introduced by Mr. Otts, and printed in the Journal of the ninth day, page 18, respectfully report that they have carefully considered the same and make an unfavorable report thereon.

All of which is respectfully submitted.

J. THOMAS AUSTIN,
For Committee.

The unfavorable report was rejected, and the above resolutions ordered for consideration to-morrow in connection with the report of the Committee.

GENERAL ORDERS.

Unfinished Business.

The Convention proceeded to the consideration of Section 15 of the report of the Committee on Municipal Corporations and Police Regulations.

Mr. FLOYD moved to amend by adding to the end of the Section the following words : Provided the question be first submitted to the qualified voters of said city or town and a majority thereof vote in favor of said exemption."

Which was agreed to.

The question being upon the adoption of the Section as amended,

The question being put : " Will the Convention agree thereto? " it was decided in the affirmative.

The yeas and naws were requested, and are as follows :

Yeas, 80 ; nays, 65.

Those who voted in the affirmative are :

Yeas—Hon. John Gary Evans, President, and Messrs. Aldrich, Ashe, Atkinson, Austin, Barker, Barton, Bates, Bellinger, Berry, Bowman, J. S. Brice, T. W. Brice, Bryan, Buist, Derham, Douglass, Dudley, Ellerbe, Farrow, Fitch, Gage, Garris, Gary, Gilland, J. L. Glenn, J. P. Glenn, Graham, Gray, Harris, Hay, Haynsworth, D. S. Henderson, Howell, Hutson, Jervey, Wilie Jones, E. J. Kennedy, J. W. Kennedy, Klugh, Lee, McCaslan, McGowan, McMahan, McWhite, Matthews, Meares, Miller, Mitchell, W. J. Montgomery, Moore, Morrison, Nathans, Nicholson, Oliver, Patterson, Patton, Perritte, Prince, Ragsdale, J. H. Read, Rogers, Sheppard, Sloan, Smalls, Jeremiah Smith, R. F. Smith, W. C. Smith, Sprott, B. R. Tillman, G. D. Tillman, Timmerman, VonKolnitz, Watson, Wells, Wharton, A. H. White, S. E. White, and Wiggins.—80.

Those who voted in the negative are :

Nays—Messrs Alexander, Barry, Behre, Bobo, Bowen, Breazeale, Byrd, Cantey, Carver, Clayton, Connor, Cooper, Cunningham, DeHay, Dennis, Doyle, Efird, W. D. Evans, Field, Floyd, Fraser, Gooding, Gunter, Hamel, Harrison, Hemphill, Wm. Henderson, Henry, Houser, Irby, T. E. Johnson, Johnstone, Keitt, Lowman, Lybrand, McCalla, McCown, McKagen, McMakin, Mower, Murray, Nash, Otts, Parler, Parrott, Peake, Redfearn, Rosborough, Rowland, Russell, Shuler, Singletary, Sligh, A. J. Smith, Smoak, Stribling, Sullivan, Talbert, Taylor, Waters, Wigg, Stanyarne Wilson, W. B. Wilson, Winkler, and Woodward.—66.

Mr. SHEPPARD moved to reconsider the vote whereby the Convention adopted the Section as amended and to lay that motion on the table ; which was agreed to.

Section 11. On motion of Mr. BARKER, Section 11 was stricken out.

Section 12. Mr. WINKLER moved to amend Section 12 by striking out on line 5 the words "the same" and by inserting in lieu thereof the words "this Section;" which was agreed to.

Mr. JOHNSTONE moved to amend as follows: On line 3 strike out the words "consent of the Executive of this State" and insert in lieu thereof the following: "request of the Executive under the provisions of the Constitution of the United States;" which was agreed to.

The Section as amended was adopted.

Mr. D. S. HENDERSON moved to amend Section 13, line 1, by striking out the words "shall have power," and insert at the beginning of the Section the words "it shall be the duty of"; which was agreed to.

The Section as amended was adopted.

Section 14. Mr. McCOWN moved to adjourn debate on this Section until to-morrow and that all amendments proposed be printed in the Journal ; which was agreed to.

Mr. DOYLE moved to amend by adding at the end of Section 11 "but without profit."

Mr. B. R. TILLMAN moved to amend Section 14 by striking out "intoxicating" and inserting "alcoholic" wherever it occurs in the Section.

Mr. BELLINGER moved to amend Section 14 by striking out "and" on the seventh line and inserting after the word "County" on the same line the words "and municipal."

Mr. CLAYTON offered the following substitute to Section 14 :

"SECTION 14. In the exercise of the police power the General Assembly shall have no authority to license the sale of intoxicating liquors or beverages by persons or corporations within this State. The General Assembly may prohibit the manufacture and sale of intoxicating liquors and beverages within the State, or may authorize and empower State and County officers, both or either, under the authority and in the name of the State, to buy in any market and sell and retail within the State intoxicating liquors and beverages in such packages and quantities, under such rules and regulations, as it deems expedient."

Section 15. Mr. McKAGEN moved to amend as follows :

After the word "fighting" insert the following: "Which is construed to mean any glove or fist contest, cock or chicken fighting, dog fighting, or any other contest for money between man or beast."

On motion of Mr. D. S. HENDERSON, the proposed amendment was laid on the table.

Mr. OTTS moved to amend as follows: "The Legislature shall have the power to define the term prize-fighting as used in this Section."

On motion of Mr. D. S. HENDERSON, the proposed amendment was laid on the table.

The Section was adopted as proposed by the Committee.

Mr. D. S. HENDERSON moved to continue from day to day Sections 16, 17, 18 until the Committee on Suffrage submitted its report; which was agreed to.

The Convention proceeded to the consideration of No. 10, Report of Committee on Legislative Department.

On motion of Mr. SLIGH, at 10 P. M., the Convention adjourned till 11 A. M. to-morrow.

SIXTEENTH DAY.

Friday, September 27, 1895.

The Convention assembled at 11 o'clock A. M.

The Secretary called the roll.

The PRESIDENT took the chair.

A quorum being present, the deliberations were opened with prayer by the Rev. Mr. ABNEY.

The Journal of yesterday's proceedings was read and confirmed.

Mr. A. H. WHITE asked and obtained indefinite leave of absence for Mr. W. B. Wilson.

Mr. PERRITTE asked and obtained indefinite leave of absence for Mr. Burn.

RESOLUTION.

Mr. MILLER introduced the following resolution, which was considered immediately and agreed to:

Whereas it is reported in the Columbia *State* that a citizen by the name of Anderson was assaulted by one of the doorkeepers of this Convention,

Be it resolved, That the President appoint a Committee of three to investigate and report to this Convention all the facts in relation to said charge.

THOS. E. MILLER.

MEMORIAL.

Mr. B. R. TILLMAN presented the following memorial, which was read the first time and referred to the Committee on Suffrage :

JOHNSTON, S. C., Sept. 24th, 1895.

To the Hons. John Gary Evans, Benj, R. Tillman, George D. Tillman, J. C. Sheppard, R. B. Watson, H. D. Timmerman, Jasper Talbert and all the Members-eleet of the Constitutional Convention:

While I appreciate the exalted and chivalrous principle which actuates our men in shielding women from contact with what you feel would be unpleasant and perhaps degrading, I feel humbly the humiliation and unfairness in being classed with idiots, the insane, etc.

The great importance of making no mistake in the pending change in the Constitution is felt by every thinking woman in the State far more keenly than by the men. Are not our sons and daughters vitally concerned, and who will assert that a child is dearer to a father than to a mother? We are intended for helpmates in its broadest sense. Can we be that when no voice is given us in framing the laws by which we are governed? The sound judgment and dauntless courage of woman's advice was forcibly demonstrated when Pilate's wife, at the trial of our Saviour, sent this message: "Have thou nothing to do with this just man." That indomitable courage is in the mothers of this dear Southland, and I have no fear that they will be found wanting when the privilege is accorded them for a voice in the government of those dearer than life.

Let our men give us franchise, and the moral influence exerted by woman will be the needful leaven which will permeate and make palatable what we now find a heavy loaf.

Respectfully,

CORA S. LOTT.

REPORTS OF STANDING COMMITTEES.

Mr. D. S. HENDERSON, for the Committee on Municipal Corporations and Police Regulations, submitted the following report, which was considered immediately and agreed to :

The Committee on Municipal Corporations and Police Regulations, to whom was referred petition of citizens of Sumter as to the suffrage, found at page 4 of the Journal, September 23, respectfully report that they have carefully considered the same, and recommend that the same be received as information.

All of which is respectfully submitted.

D. S. HENDERSON,
Chairman of Committee.

Mr. D. S. HENDERSON, for the Committee on Municipal Corporations and Police Regulations, submitted the following unfavorable report, which was considered immediately and agreed to, and the resolution rejected :

The Committee on Municipal Corporations and Police Regulations, to whom was referred a resolution of Mr. Moore to regulate the extension of corporate limits of cities, towns and villages, found at page 5 of the Journal of September 20th, respectfully report that they have carefully considered the same, and recommend that the same do not pass.

All of which is respectfully submitted.

D. S. HENDERSON,
Chairman of Committee.

Mr. D. S. HENDERSON, for the Committee on Municipal Corporations and Police Regulations, submitted the following report, which was read the first time and ordered for consideration to-morrow :

REPORT OF THE COMMITTEE ON MUNICIPAL CORPORATIONS AND POLICE REGULATIONS AS TO ORDINANCE OF MR. FARROW CONCERNING CITIES AND TOWNS SITUATED IN TWO COUNTIES.

The Committee on Mnnicipal Corporations and Police Regulations, to whom was referred an ordinance to provide for the location of incorporated cities and towns so that all portions of each shall be in the same County, which said ordinance is to be found printed at page 5 of September 20, as introduced by Mr. Farrow, respectfully report that they have carefully considered the same and recommend that in lieu thereof the following Sections be passed as parts of the Constitution :

Section —. Hereafter no County lines shall be so established as to pass through any incorporated city or town of this State.

Section —. That in all cases where, according to County lines as now established, any city or town in this State shall be situated partly in one County and partly in another or others, the electors residing in such city or town, qualified to vote at a general election for State officers, shall, at an election held for that purpose, determine in which of such Counties the said city or town shall be wholly located, and upon the result of such an election being had and duly certified the respective County lines shall thereupon be deemed as established so as to place said city or town in the County so selected. The General Assembly shall carry these provisions into effect by suitable legislation.

D. S. HENDERSON,
Chairman of Committee.

Mr. HEMPHILL presented the following account, which was read the first time and referred to the Committee on Accounts and Expenses :

COLUMBIA, S. C., Sept. 18, 1895.

Mr. W. H. YELDELL in account with CHARLES A. CALVO, JR.

To printing and ruling 250 bill blanks	$ 7	75
To one receipt book	5	00
	$12	75

Mr. W. J. MONTGOMERY, for the Committee on Engrossed Resolutions and Ordinances, submitted the following report:

The Committee on Engrossed Resolutions and Ordinances, to whom was referred an Article, Calendar No. 13, relating to the Executive Department, beg leave to report that the same has been correctly engrossed and revised.

Report of the Committee adopted, and the Article ordered to a third reading to-morrow.

Mr. HEMPHILL presented the following account for printing, which was read the first time and referred to the Committee on Contingent Accounts and Expenses:

ACCOUNT FOR PRINTING OF CHARLES A. CALVO, JR., $362.92.

THE STATE OF SOUTH CAROLINA,
To CHARLES A. CALVO, JR.. *Dr.*

1895.			
Sept. 27.	To printing 200 copies Calendar Orders 9, 10, 11, 12, 13, 14, 18, 19, 20, 21, 22, 23, 24, and Article IV, 56 pp. Bill matter @ $1.87	$104 72	
	To printing 200 copies Calendar, September 21, 23, 24, 25, 26, 10 L. P. pp. @ $1.07	10 70	
	To printing 200 copies Calendar Orders 15, 16, 17, 6 L. P. pp. @ $1.07	6 42	
	To printing 200 copies Journal September 19, 20, 21, 23, 24, 25; 34¾ L. P. pp. @ $1.07 $37 18		
	66¼ Brev. pp.=91½ L. P	97 90—	135 08
	To printing 500 copies permanent Journal, sigs. 8 to 13, inclusive, 16 L. P. pp. @ $1.00 $16 00		
	64 Brev. pp.=90 L. P. pp. @ $1.00	90 00—	$106 00—$362 92

STATE OF SOUTH CAROLINA, }
RICHLAND COUNTY. }

Personally appeared before me Charles A. Calvo, Jr., who, being duly sworn, deposes and says that the above is a just and true account against the State of South Carolina, in accordance with the terms of Chapter III of the Revised Statutes of 1893, no part of which has been paid by discount or otherwise. CHARLES A. CALVO, JR.

Sworn to before me this 27 September, 1895.

G. M. WALKER, [L. S.]
Notary Public.

Mr. BELLINGER, for the Committee on Corporations, submitted the following report:

REPORT OF THE COMMITTEE ON CORPORATIONS.

To the Constitutional Convention:

The Committee on Corporations, to whom were referred the resolutions and ordinances herein specifically mentioned, beg leave to report that they have carefully considered the same, and return them, as required, to this Convention. The Committee have formulated, and herewith submit for adoption, the accompanying document, consisting of Sections to be incorporated in the Constitution as Article — on corporations.

The resolutions and ordinances referred to are:

By Mr. Geo. H. Bates, printed in Journal September 12, page 9.
By Mr. Otts, printed in Journal September 12, page 11.
By Mr. Sullivan, printed in Journal September 12, page 9.
By Mr. Gage, printed in Journal September 12, page 9.
By Mr. Moore, printed in Journal September 14, page 6.
By Mr. Bellinger, printed in Journal September 16, page 10.
By Mr. McCalla, printed in Journal September 18, page 18.
By Mr. Stokes, printed in Journal September 18, page 11.
By Mr. George Johnstone, printed in Journal September 23, page 10.

All of which is respectfully submitted,

G. DUNCAN BELLINGER,
For the Committee.

Columbia, September 27th, 1895.

ARTICLE XII.

CORPORATIONS.

Section 1. The term corporation as used in this Article includes all associations and joint stock companies having powers and privileges not possessed by individuals or partnerships and excludes municipal corporations.

Section 2. No charter of incorporation shall be granted, changed or amended by special law, except in the case of such charitable, educational, penal or reformatory corporations as may be under the control of the State; but the Legislature shall provide by general laws for changing or amending existing charters, and for the organization of all corporations hereafter to be created; and any such law so passed, as well as all charters now existing or hereafter created, shall be subject to future repeal or alteration.

Section 3. All railroads and canals shall be public highways, and all railroad, express, sleeping car, canal and other transportation companies, and all telegraph and telephone companies, are declared to be common carriers in their respective lines of business, and subject to liability as such. No such corporation shall be permitted to make any contract relieving it from its common law liability.

Section 4. Every other than religious, educational or benevolent associaciations, corporation organized or doing business in this State shall have and maintain at least one agent in this State upon whom process may be served, and at least one public office for the transaction of its business, where transfers of stock shall be made, and in which shall be kept for

inspection by every person having an interest therein, and by officers of the law properly authorized, books in which shall be recorded the amount of capital stock subscribed and by whom, the names of the owners of its stock and the amount owned by them respectively, the amount of stock paid in and by whom, the transfers of stock, the amount of its assets and liabilities, and the names and places of residence of its officers.

Section 5. No discrimination in charges or facilities for transportation for the same classes of freight or passengers within this State, or coming from or going to any other State, shall be made by any railroad or other transportation company between places or persons. Persons and property transported over any railroad, or by any other transportation company or corporation, shall be delivered at any station, landing or port at charges not exceeding the charges for the transportation of persons and property of the same class, in the same direction, to any more distant station, landing or port. Excursion and commutation tickets may be issued at special rates.

Section 6. Any railroad, organized under the laws of this State, shall have the right to connect at the State line with railroads of other States. Every railroad company shall have the right with its road to intersect, connect with or cross any other railroad, and shall receive and transport each the other's freight, passengers and cars, loaded or empty, without delay or discrimination.

Section 7. No railroad, or other transportation company, or the lessees, purchasers or managers of any such corporation, shall consolidate the stock, property or franchises of such corporation with, or lease or purchase the stock or franchises of, or in any way control, any other railroad or other transportation company owning or having under its control a parallel or competing line; and the question whether railroads or other transportation companies are parallel or competing lines shall, when demanded by the party complainant, be decided by a jury as in other civil causes.

Section 8. The General Assembly shall not grant to any foreign corporation or association a license to build, operate or lease any railroad in this State; but in all cases where a railroad is to be built or operated, and the same shall be partly in this State and partly in another State, or in other States, the owners or projectors thereof shall first become incorporated under the laws of this State; nor shall any foreign corporation or association lease or operate any railroad in this State, or purchase the same, or any interest therein. Consolidation of any railroad lines and corporations in this State with others shall be allowed only where the consolidated company shall become a domestic corporation of this State.

No general or special law shall ever be passed for the benefit of any foreign corporation operating a railroad under an existing license of this State or under any existing lease; and no grant of any right or privilege, and no exemption from any burden, shall be made to any such foreign corporation except upon the condition that the owners or stockholders thereof shall first organize a corporation in this State under the laws thereof, and shall thereafter operate and manage the same and the business thereof under said domestic charter.

Section 9. The General Assembly shall have no power to grant any charter for banking purposes, but corporations or associations may be formed for such purposes under general laws, with such privileges, powers and limitations, not inconsistent with this Constitution, as it may deem proper.

Section 10. Stock or bonds shall not be issued by any corporation save for labor done, or money or property actually received, and all fictitious increase of stock or indebtedness shall be void.

Section 11. The General Assembly shall provide by law for the election of directors, trustees or managers of all corporations by the cumulative plan; that is to say, so that each stockholder shall be allowed to cast, in person or by proxy, as many votes as the number of shares he owns multiplied by the number of directors, trustees or managers to be elected, the same to be cast for any one candidate or to be distributed among two or more candidates.

Section 12. Corporations shall not engage in any business except that specifically authorized by their charter.

Section 13. The General Assembly shall enact laws to prevent all trusts, combinations, contracts and agreements inimical to the public welfare; and to prevent abuses, unjust discrimination and extortion in all charges of transporting and transmitting companies, and shall pass laws for the supervision and regulation of such companies, by Commission or otherwise, and shall provide adequate penalties: to the extent, if necessary for that purpose, of forfeiture of their franchises.

Section 14. A Commission is hereby established, to be known as "The Railroad Commission," which shall be composed of three members, and whose powers and duties, manner of election and term of office shall be regulated by law: and, until otherwise provided by law, the said Commissioners shall have the same powers and jurisdiction, perform the same duties and receive the same compensation as now conferred, prescribed and allowed by law to the existing Railroad Commissioners.

Section 15. Every employee of any corporation doing business in this State shall have the same rights and remedies for any injury suffered by him from the act or omission of such corporation or its employees as are allowed by law to other persons not employees. And when death ensues from any injury to an employee the legal or personal representative of such employee shall have the same rights and remedies as are allowed by law to such representatives of other persons. Any contract, or agreement, expressed or implied, made by any employee to waive the benefit of this Section shall be null and void.

Section 16. All existing charters or grants of corporate franchise under which organizations have not in good faith taken place at the adoption of this Constitution shall be subject to the provisions of this Article; and all such charters under which organizations shall not in good faith take place and business be commenced within one year from the adoption of this Constitution shall thereafter have no validity.

Section 17. The General Assembly shall never remit the forfeiture of the franchise of any corporation now existing, nor alter nor amend the charter thereof, nor pass any general or special law for the benefit of such corporation except upon the condition that such corporation shall thereafter

hold its charter and franchise subject to the provision of this Constitution, and the reception by any corporation of any provision of any such laws, or the taking of any benefit or advantage from the same, shall be conclusively held an agreement by such corporation to hold through its charter and franchises under the provisions of this Article.

Section 18. The stockholders of all corporations in case of insolvency shall be individually liable to the creditors thereof only to the extent of the amount remaining unpaid upon the stock owned by them.

Section 19. The General Assembly shall enforce the provisions of this Article by appropriate legislation.

UNFINISHED BUSINESS.

No. 9. Article proposed by Committee on Municipal Corporations and Police Regulations.

Mr. D. S. HENDERSON moved to reconsider Section 12; which was agreed to.

Mr. GEORGE JOHNSTONE moved to strike out Section 12 as amended and insert the following in lieu thereof; which was agreed to, and adopted as Section 12:

Section 12. No armed police force or representatives of a detective agency shall ever be brought into this State for the suppression of domestic violence; nor shall any other character of armed or unarmed body of men be brought in for that purpose except upon the application of the General Assembly or of the Executive of this State (when the General Assembly is not in session), as provided in the Constitution of the United States. The General Assembly shall provide proper penalties for the enforcement of this Section.

Mr. D. S. HENDERSON, for the Committee on Municipal Corporations and Police Regulations, to whom was recommitted Sections 1 and 2 of No. 9, Articles proposed by Committee on Municipal Corporations and Police Regulations, submitted the following report:

REPORT OF THE COMMITTEE ON MUNICIPAL CORPORATIONS AND POLICE REGULATIONS AS TO SECTIONS 1 AND 2 OF THE ARTICLE FOR THE CONSTITUTION PROPOSED BY THEM.

The Committee on Municipal Corporations and Police Regulations, to whom was recommitted Sections 1 and 2 of the Article proposed by them, respectfully report that they have carefully considered same, and recommend that said Sections as amended by the Convention do pass with the following proviso to be added at the end of Section 2: "*Provided*, That nothing in Sections 1 and 2 of this Article shall be construed as prohibiting the General Assembly from providing for the incorporation of the manufacturing towns of this State, under such restrictions and regulations as shall protect the rights of the citizens and prevent unjust encroachments upon property."

All of which is respectfully submitted.

D. S. HENDERSON,
Chairman of Committee.

Mr. B. R. TILLMAN moved to amend Section 1 by adding: "*Provided*, That a class to be known as the manufacturing towns shall be provided by the General Assembly, and may be incorporated whenever the population of such a community shall number one thousand, under such restrictions and regulations as shall protect the rights of the citizen and prevent unjust encroachments upon property. In such towns no property qualifications shall be required to vote in municipal elections."

Mr. D. S. HENDERSON moved to continue Sections 1 and 2 from day to day until the Committee on Suffrage reported.

Section 9. Mr. D. S. HENDERSON moved to lay on the table the substitute proposed by Mr. Barker, printed in the Journal of yesterday; which was agreed to.

Mr. D. S. HENDERSON moved to amend lines 8 and 9 by striking out the words "or revenue bonds;" which was agreed to. The Section as amended was adopted.

Section 14. Mr. SHEPPARD moved to indefinitely postpone the substitute proposed by Mr. Clayton, printed in yesterday's Journal.

After debate, participated in by Messrs. Sheppard, Clayton, Efird, Jervey, B. R. Tillman, Bowman, McCalla, VonKolnitz, Talbert, Burn, Stanyarne Wilson, Watson, McCaslan, Smalls, W. J. Montgomery, Wharton, McWhite, Buist, Patton, Hamel, Rogers, Hutson, Breazeale and Stribling,

Mr. B. R. TILLMAN moved that debate be adjourned on this Section until to-morrow; which was agreed to.

The pending question being the motion of Mr. SHEPPARD to indefinitely postpone.

On motion of Mr. W. D. EVANS, the Convention, at 2.15 P. M., receded from business until 8 P. M. this day.

RECESS.

The PRESIDENT resumed the chair at 8 P. M.

Mr. McCOWN asked and obtained indefinite leave of absence for his colleague Mr. Clayton on account of the death of his mother.

The following gentlemen were granted leave of absence until Monday, Messrs. Mitchell, Woodward, Bates and Doyle.

UNFINISHED BUSINESS.

SECOND READING.

The Convention resumed the consideration of No. 10, report of the Committee on Legislative Department.

Section 1 was adopted as reported by the Committee.

Section 2. Mr. SLIGH moved to amend line 2 by striking out the word "fourth" and inserting the word "second" in lieu thereof.

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows:

Yeas, 92; nays, 41.

Those who voted in the affirmative are:

Yeas—Hon. Jno. Gary Evans, President, and Messrs. Anderson, Austin, Barker, Barton, Bellinger, Bobo, T. W. Brice, Bryan, Buist, Byrd, Cantey, Carver, DeHay, Dennis, Douglass, Efird, Fitch, Fraser, Garris, Gary, Gooding, Graham, Gray, Gunter, Harrison, Hay, Hemphill, Wm. Henderson, Henry, Howell, Hutson, Irby, T. E. Johnson, George Johnstone, Wilie Jones, Keitt, E. J. Kennedy, J. W. Kennedy, Klugh, Lee, Lowman, McCalla, McCaslan, McCown, McGowan, McKagen, McMahan, McMakin, McWhite, Matthews, Meares, Miller, J. D. Montgomery, Moore, Morrison, Mower, Murray, Nash, Nicholson, Oliver, Otts, Parler, Patterson, Patton, Peake, Perritte, Ragsdale, J. H. Read, Redfearn, I. R. Reed, Rosborough, Rowland, Sheppard, Shuler, Singletary, Sligh, Smalls, A J. Smith, R. F. Smith, Talbert, B. R. Tillman, Timmerman, Waters, Watson, Wharton, Whipper, Wigg, Wiggins, Stanyarne Wilson, Winkler, and Woodward. —92.

Those who voted in the negative are:

Nays—Messrs. Aldrich, Alexander, Ashe, Atkinson, Bates, Berry, Bowen, Bowman, Breazeale, J. S. Brice, Cunningham, Doyle, Dudley, Ellerbe, W. D. Evans, Field, Floyd, Gage, Gilland, J. L. Glenn, J. P. Glenn, Hamel, Harris, D. S. Henderson, Houser, Jervey, W. J. Montgomery, Parrott, Prince, Rogers, Russell, Jeremiah Smith, Smoak, Sprott, Stribling, Sullivan, Taylor, G. D. Tillman, Wells, A. H. White, and S. E. White.—41.

The Section as amended was adopted.

Section 3. Mr. SLIGH moved to amend line 3 by striking out the words "consists of" and inserting in lieu thereof the word "constitute," which was agreed to.

Also to amend line 14 by striking out "7" after the word "Beaufort" and inserting in its stead the figure "4;" which was agreed to.

Also to strike out figure "2" after the word "Clarendon" in line 15, and insert the figure "3;" which was agreed to.

Mr. BARKER moved to amend line 15 by striking out "6" after "Berkeley" and inserting "4;" which was agreed to.

Also on line 15, to strike out "7" after "Charleston" and insert "9;" which was agreed to.

The Section as amended was adopted, except as to "Saluda" and "Edgefield" Counties, which, on motion of Mr. SHEPPARD, was passed until to-morrow.

Section 4 was adopted as reported by the Committee.

Section 5 was adopted as reported by the Committee.

Section 6. Mr. WILSON moved the following as a substitute to Section 6:

Section 6. The Senate shall be composed of not less than 35 nor more than 50 members. The General Assembly shall, whenever it deems necessary, fix the number of Senators and divide the State into as many Senatorial Districts as there are Senators, which districts, as nearly as may be, shall be equal to each other in number of inhabitants entitled to representation. Each district shall be entitled to one Senator and no more, and shall be composed of compact and contiguous territory, and no portion of any County shall be attached to any other County or part thereof so as to form a district, and the districts as thus ascertained and determined shall continue until changed by law. Until the number of Counties shall exceed fifty, each County shall constitute a Senatorial District and be entitled to one Senator, to be elected for the term of four years by the qualified voters of the State in the same manner in which members of the House of Representatives are chosen.

Which, on motion of Mr. SLIGH, was laid on the table.

Mr. RAGSDALE moved to amend line 2, after the word "voters," to strike out the words "of the State," and insert in lieu thereof the words "in each County."

Which was agreed to.

Mr. BARKER moved to amend Section 6 by inserting after the word "County" on line 1 the words "except the County of Charleston, which shall be allowed two Senators."

After debate by Messrs. Barker, B. R. Tillman, Fitch, Sligh, Buist and McMahan,

Mr. SLIGH moved to lay on the table the amendment proposed by Mr. Barker.

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows :

Yeas, 109 ; nays, 29.

Those who voted in the affirmative are :

Hon. John Gary Evans, President, and Messrs. Alexander, Ashe, Atkinson, Austin, Barry, Barton, Bates, Behre, Bellinger, Berry, Bobo, Bowen, Bowman, Breazeale, J. S. Brice, T. W. Brice, Buist, Byrd, Cantey, Carver, Cooper, Cunningham, DeHay, Dennis, Douglass, Doyle, Efird, Ellerbe, W. D. Evans, Field, Gage, Garris, Gary, J. L. Glenn, J. P. Glenn, Gooding, Gray, Gunter, Hamel, Harris, Harrison, Haynsworth, Hemphill, D. S. Henderson, Wm. Henderson, Henry, Houser, Howell, Irby, T. E. Johnson, George Johnstone, Wilie Jones, Keitt, E. J. Kennedy, J. W. Kennedy, Lowman, McCalla, McCaslan, McCown, McKagen, McMakin, McWhite, Matthews, Meares, J. D. Montgomery, Moore, Morrison, Mower, Murray, Nash, Nicholson, Otts, Parler, Parrott, Patterson, Patton, Peake, Perritte, Prince, Ragsdale, Redfearn, Rosborough, Rowland, Russell, Sheppard, Shuler, Singletary, Sligh, Sloan, A. J. Smith, Jeremiah Smith, Smoak, Sprott, Stribling. Sullivan, Talbert, Taylor, B. R. Tillman, Waters, Watson, Wells, Wharton, A. H. White, S. E. White, Wiggins, Stanyarne Wilson, Winkler, and Woodward.—109.

Those who voted in the negative are :

Messrs. Aldrich, Anderson, Barker, Bryan, Dudley, Farrow, Fitch, Fraser, Graham, Hay, Hutson, Jervey, Klugh, Lee, McGowan, McMahan, Miller, W. J. Montgomery, Oliver, J. H. Read, I. R. Reed, Rogers, Smalls, R. F. Smith, G. D. Tillman, Timmerman, VonKolnitz, Whipper, and Wigg.—29.

Section 6 was adopted as amended.

Section 7. Mr. ALDRICH moved the following as a substitute for Section 7 :

Section 7. No person shall be eligible to or take or retain a seat in the House of Representatives unless he is a white man, who has attained the age of twenty-one years, has been a citizen and a resident of this State three years next preceding the day of election, and has been for the last six months of this time, and shall continue to be, a resident of the County which he is to represent.

After debate by Messrs. Aldrich and B. R. Tillman,

Mr. B. R. TILLMAN moved to lay the substitute on the table.

The question being put : "Will the Convention agree thereto ?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows :

Yeas, 102 ; nays, 25.

Those who voted in the affirmative are :

Yeas—Hon. Jno. Gary Evans, President, and Messrs. Anderson, Ashe, Atkinson, Austin, Barry, Behre, Bobo, Bowen, Bowman, J. S. Brice, T. W. Brice, Bryan, Buist, Cantey, Carver, Cunningham, DeHay, Dennis, Douglass, Doyle, Dudley, W. D. Evans, Farrow, Field, Floyd, Fraser, Garris, Gary, J. P. Glenn, Gooding, Graham, Gray, Gunter, Hamel, Harrison, Hay, Haynsworth, Hemphill, D S. Henderson, Wm. Henderson, Henry, Houser, Howell, Hutson, Irby, T. E. Johnson, George Johnstone, Wilie Jones, Keitt, J. W. Kennedy, Klugh, Lee, Lowman, McCalla, McCaslan, McCown, McGowan, McKagen, McMakin, McWhite, Miller, W. J. Montgomery, Morrison, Mower, Murray, Nash, Nicholson, Otts, Parler, Patton, Peake, Perritte, Prince, Ragsdale, J. H. Read, Redfearn, I. R. Reed, Rosborough, Sheppard, Sligh, Sloan, Smalls, A. J. Smith, Jeremiah Smith, R. F. Smith, Smoak, Sprott, Stribling, Sullivan, B. R. Tillman, G. D. Tillman, Timmerman, Waters, Watson, Wharton, Whipper, A. H. White, Wigg, Wiggins, Stanyarne Wilson, and Winkler.—102.

Those who voted in the negative are :

Nays—Messrs. Aldrich, Barker, Barton, Bellinger, Berry, Cooper, Efird, Ellerbe, Fitch, Gage, J. L. Glenn, E. J. Kennedy, McMahan, Meares, J. D. Montgomery, Moore, Parrott, Patterson, Rogers, Russell, Shuler, Talbert, Taylor, Wells, and White.—25.

The PRESIDENT announced the following Committee in accordance with the resolution introduced by Mr. Miller this morning: Messrs. Bowman, McCalla and Miller.

On motion of Mr. SLIGH, at 11 P. M., the Convention adjourned until 11 A. M. to-morrow.

SEVENTEENTH DAY.

Saturday, September 28, 1895.

The Convention assembled at 11 o'clock A. M.

The Secretary called the roll.

The PRESIDENT took the chair.

A quorum being present, the deliberations were opened with prayer by the Rev. Mr. ABNEY.

The Journal of yesterday's proceedings was read and confirmed.

The following gentlemen were granted leave of absence until Monday evening: Messrs. Sheppard, Meares, Ragsdale, Sullivan, Rogers, Irby, McCalla, Mower and Sligh.

The following gentlemen were granted leave of absence until Tuesday evening: Messrs. Houser, Cunningham, Sprott and Mitchell.

Mr. NASH asked and obtained leave of absence until Wednesday next.

Mr. READ asked and obtained indefinite leave of absence.

RESOLUTIONS.

Mr. PATTON offered the following, which was read the first time and ordered for consideration to-morrow:

Resolved, That we, the delegates of the people of South Carolina, assembled in convention for the purpose of framing a Constitution for a free and independent people, extend our hearty sympathy to the Cuban patriots now struggling for the same precious right.

On motion of Mr. PATTON, printing and reference was dispensed with.

Mr. FLOYD, from the Committee on Militia, introduced the following, which was read the first time and referred to the Committee on Finance and Taxation:

[Report not furnished.—PRINTER.]

Mr. D. S. HENDERSON introduced the following resolution September 11th, which was read the same day and referred to the Committee on Miscellaneous Matters:

RESOLUTION AS TO THE GRANTING OF DIVORCES IN THIS STATE.

Be it resolved and ordained by the people of the State of South Carolina, in convention assembled, and by the authority of the same, That the following provisions shall constitute Section —— of Article —— of the Constitution of this State:

Divorces from the bands of matrimony shall not be allowed but by the judgment of a Court rendered upon the verdict of a jury; and no divorce shall be granted except for adultery; and the guilty party shall not be permitted to marry again.

REPORTS OF STANDING COMMITTEES.

Mr. FLOYD, from the Committee on Militia, submitted the following, which was read the first time and ordered for consideration to-morrow :

REPORT OF THE COMMITTEE ON MILITIA.

To the Constitutional Convention of South Carolina:

We have had referred to us the following resolutions, which we have carefully considered, and herewith return to the Convention:

Resolution by Mr. Wilie Jones, printed in Friday's Journal, September 13th, page 11.

Resolution by Mr. W. H. Timmerman, printed in Monday's Journal, September 16th, page 9.

Resolution by Mr. J. H. Wharton, printed in Tuesday's Journal, September 17th, page 8.

Resolution by Mr. J. S. Brice, printed in Wednesday's Journal, September 18th, page 18.

The Committee on Militia, to whom was referred Article XIII of the Constitution, beg leave to report that they have carefully considered the same and unanimously recommend that the following be adopted as Article XIII of the new Constitution.

Respectfully submitted.

J. W. FLOYD, Chairman,
For the Committee.

MILITIA.

Article XIII.

Section 1. The militia of this State shall consist of all able-bodied male citizens of the State between the ages of eighteen and forty-five years, except such persons as are now, or may be, exempted by the laws of the United States or this State, or who from religious scruples may be averse to bearing arms; and shall be organized, officered, armed, equipped and disciplined as the General Assembly may by law direct.

Section 2. The volunteer and military forces shall (except for treason, felony and breach of the peace) be exempt from arrest by warrant or other process while attending muster or the election of officers, or while going to or returning from either of the same.

Section 3. The Governor shall have the power to call out the volunteer and militia forces, either or both, to execute the laws, repel invasions, suppress insurrections and preserve the public peace.

Section 4. There shall be an Adjutant and Inspector General elected by the qualified voters of the State, at the same time and in the same manner as other State officers, who shall rank as Brigadier General, and whose duties and compensation shall be prescribed by law, and the Governor shall, by and with the consent of the Senate, appoint such other staff officers as the General Assembly may direct.

Section 5. The General Assembly is hereby empowered and required, at its first session after the adoption of this Constitution, to provide such proper and liberal legislation as will guarantee and secure an annual pension to every indigent or disabled Confederate soldier and sailor of this State and of the late Confederate States who are citizens of this State, and also to the indigent widows of Confederate soldiers and sailors now dead.

Mr. SHEPPARD, for the Committee on Rules, submitted the following, which was considered immediately and agreed to:

REPORT OF COMMITTEE ON RULES.

To the President and Members of the Convention:

The Committee on Rules respectfully report the following resolution and recommend its adoption:

J. C. SHEPPARD,
C. W. GARRIS,
J, E. BREAZEALE.

Resolved, That on and after Monday the 30th inst., the Convention shall meet daily at 10 A. M., and recede from business at 2 P. M. until 8 P. M., and adjourn at pleasure unless otherwise ordered.

Adopted.

Mr. FITCH, for the Committee on Contingent Accounts and Expenses, submitted the following, which was considered immediately, agreed to, and the account ordered paid:

The Committee on Contingent Accounts and Expenses, to whom was referred the bill of Charles A. Calvo, Jr., for printing, amounting to three hundred and sixty-two dollars and ninety-two cents, respectfully report that they have carefully considered the same, and recommend that the sum of three hundred and sixty-two dollars and ninety-two cents be paid.

All of which is respectfully submitted.

W. M. FITCH,
For Committee.

Mr. MOWER, for the Committee on Declaration of Rights, submitted the following, which was ordered for consideration to-morrow:

REPORT OF THE COMMITTEE ON DECLARATION OF RIGHTS PROPOSING ARTICLE I OF THE CONSTITUTION.

To the Constitutional Convention:

Your Committee on the Declaration of Rights beg leave to submit herewith an Article on Declaration of Rights, to be known as Article I of the Constitution.

Your Committee has had before it for consideration the following papers:

1. By Mr. Aldrich (Article IX), fourth day, Journal, page 34.
2. By Mr. Patton, fifth day, Journal, page 4.

3. By Mr. Sloan, sixth day, Journal, page 4.
4. By Mr. I. R. Reed, seventh day, Journal, page 9.
5. By Mr. Parler, eighth day, Journal, page 4.
6. By Mr. Meares, eighth day, Journal, page 4.
7. By Mr. Mower, eighth day, Journal, page 14.

And herewith return them to you.

Respectfully submitted.

GEO. S. MOWER, for Committee.

We, the people of the State of South Carolina, in convention assembled, grateful to God for our liberties, do ordain and establish this Constitution for the preservation and perpetuation of the same.

ARTICLE I.

Declaration of Rights.

Section 1. All political power is vested in and derived from the people only. Therefore, they have the right at all times to modify their form of government in such manner as they may deem expedient when the public good demands.

Section 2. All powers not herein delegated are reserved to the people; nor shall the enumeration of certain rights herein be construed to deny or disparage others retained by the people.

Section 3. Representation shall be apportioned according to population.

Section 4. The General Assembly ought frequently to assemble for the redress of grievances and for making new laws as the common good may require.

Section 5. The General Assembly shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the Government, or any department thereof, for a redress of grievances.

Section 6. The privileges and immunities of citizens of this State and of the United States, under this Constitution, shall not be abridged, nor shall any person be deprived of life, liberty, or property, without due process of law, nor shall any person be denied equal protection of the laws.

Section 7. All property subject to taxation shall be taxed in proportion to its value.

Section 8. No tax, subsidy, charge, impost tax, or duties shall be established, fixed, laid or levied, under any pretext whatsoever, without the consent of the people or their representatives lawfully assembled.

Section 9. No bill of attainder, ex post facto law, law impairing the obligation of contracts, nor law granting any title of nobility or hereditary emolument shall be passed, and no conviction shall work corruption of blood or forfeiture of estate.

Section 10. The right of citizens of this State to vote shall not be denied or abridged on account of race, color, or previous condition of servitude.

Section 11. The right of suffrage as regulated in this Constitution shall be protected by laws regulating elections and prohibiting, under adequate

penalties, all undue influences from power, bribery, tumult or improper conduct.

Section 12. All elections shall be free and open, and every inhabitant of this State possessing the qualifications provided for in this Constitution shall have an equal right to elect officers and be elected to fill public office.

Section 13. No property qualification, unless prescribed in this Constitution, shall be necessary for an election to, or the holding of, any office, and no office shall be created the election or appointment to which shall be for a longer term than good behavior. After the adoption of this Constitution any person who shall fight a duel or send or accept a challenge for that purpose, or be an aider or abettor in fighting a duel, shall be deprived of holding any office of honor or trust in this State, and shall be otherwise punished as the law shall prescribe.

Section 14. Temporary absence from the State shall not forfeit a residence once obtained.

Section 15. The power of suspending the laws or the execution of the laws shall only be exercised by the General Assembly or by its authority in particular cases expressly provided for by it.

Section 16. In the government of this State the legislative, executive and judicial powers of the government shall be forever separate and distinct from each other, and no person or persons exercising the functions of one of said departments shall assume or discharge the duties of any other: *Provided,* That nothing herein contained shall be construed to deprive the Judicial Department of the power to determine whether the Acts of the General Assembly are in conflict with the provisions of this Constitution.

Section 17. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist in this State.

Section 18. All Courts shall be public, and every person shall have speedy remedy therein for wrongs sustained.

Section 19. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized.

Section 20. No person shall be held to answer for any crime where the punishment exceeds a fine of one ($100) hundred dollars or imprisonment for thirty (30) days unless on a presentment or indictment of a Grand Jury of the County where the crime shall have been committed, except in cases arising in the land or naval forces or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or liberty; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty or property without due process of law; nor shall private property be taken for public use without just compensation.

Section 21. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the County where the crime shall have been committed, and to be fully informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to be fully heard in his defense by himself, or by his counsel, or by both.

Section 22. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted, nor shall witnesses be unreasonably detained. Corporal punishment shall not be inflicted. The power to punish for contempt shall not in any case extend to imprisonment in the State Penitentiary.

Section 23. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great.

Section 24. In all indictments or prosecutions for libel the truth of the alleged libel may be given in evidence and the jury shall be the judges of the law and the facts.

Section 25. Treason against the State shall consist alone in levying war or in giving aid and comfort to enemies against the State. No person shall be held guilty of treason except upon testimony of at least two witnesses to the same overt act, or upon confession in open court.

Section 26. The privilege of the writ of *habeas corpus* shall not be suspended unless when, in case of insurrection, rebellion, or invasion, the public safety may require it.

Section 27. No person shall be imprisoned for debt except in cases of fraud, and a reasonable amount of property, as a homestead, shall be exempted from seizure or sale for the payment of any debts or liabilities, except for the payment of such debts or liabilities as are provided for in this Constitution.

Section 28. The right of trial by jury shall be preserved inviolate.

Section 29. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed. As in times of peace armies are dangerous to liberty, they shall not be maintained without the consent of the General Assembly. The military power of the State shall always be held in subordination to the civil authorities and be governed by it. No soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war but in the manner to be prescribed by law.

Section 30. No person shall, in any case, be subject to martial law, or to any pains or penalties by virtue of that law, except those employed in the army and navy of the United States, and except the militia in actual service, but by the authority of the General Assembly.

Section 31. No person who has conscientious scruples against bearing arms shall be compelled to do so, but he shall pay an equivalent for personal service.

Section 32. All navigable waters shall forever remain public highways, free to the citizens of the State and United States without tax, impost or toll imposed; and no tax, toll, impost or wharfage shall be imposed, demanded or received from the owner of any merchandise or commodity for the use of the shores, or any wharf erected on the shores, or in or over the waters of any navigable stream, unless the same be authorized by the General Assembly.

Section 33. The provisions of the Constitution shall be taken, deemed and construed to be mandatory and prohibitory, and not merely directory, except when expressly made directory or permissive by its own terms.

THIRD READING.

Calendar No. 13, Article reported by the Committee on Executive Department.

Mr. GAGE asked and obtained permission to amend as follows: Strike out all of Section 9 and insert:

Section 9. In case of the removal of the Governor from office by impeachment, death, resignation, disqualification, disability, or removal from the State, the Lieutenant-Governor shall then be Governor; and in case of the removal of the last named officer from his office by impeachment, death, resignation, disqualification, disability, or removal from the State, the President *pro tempore* of the Senate shall be Governor. And the last named officer shall then forthwith by proclamation convene the Senate in order that a President *pro tempore* may be chosen. In case the Governor be impeached, the Lieutenant-Governor shall act in his stead and have his powers until judgment in the case has been pronounced.

Which was agreed to.

Mr. EFIRD asked and obtained permission to amend Section 15, line 4, original Bill, by striking out "to" and inserting "for;" which was agreed to.

Mr. McMAHAN asked permission to amend Section 3, lines 1 and 2, by striking out after "Governor" the words "who denies the existence of the Supreme Being or;" which the Convention refused to entertain.

Also permission to amend Section 3, line 2, by inserting after the words "Supreme Being" the words "or who takes his name in vain;" which the Convention refused to entertain.

The Article as amended was read the third time and ordered sent to the Committee on Order, Style and Revision.

UNFINISHED BUSINESS.

Calendar No. 9, Article proposed by the Committee on Municipal Corporations and Police Regulations.

On motion of Mr. McCOWN, owing to the unavoidable absence of Mr. Clayton, debate on this number was adjourned until Monday next.

Calendar No. 10, Report of Committee on Legislative Department, was taken up.

Section 3. On motion of Mr. SHEPPARD, Section 3 was adopted as amended yesterday.

Section 7. Mr. B. R. TILLMAN moved to amend line 3 by striking out "one" before "year" and inserting "two" in lieu thereof; which was agreed to.

Also, line 4, by striking out "three months" and inserting in lieu thereof the words "one year;" which was agreed to.

Mr. BARKER moved the following as a substitute for the Section as amended:

"No person shall be eligible to a seat in the Senate or House of Representatives who, at the time of his election, is not a duly qualified elector, under this Constitution, in the County whence he may be chosen. Senators shall be at least twenty-five and Representatives at least twenty-one years of age."

Which was agreed to.

Mr. S. E. WHITE moved to amend by adding the words "and a freeholder" to the end of Section 7.

On motion of Mr. SHEPPARD, the amendment was laid on the table.

The substitute was then adopted as Section 7.

Section 8. Mr. SHEPPARD moved to amend Section 8 by adding to the end thereof the following:

"On the same day of the same month, except in Counties in which there was an election for Senator for a full term, in 1894 in which Counties no election for Senator shall be held until the general election to be held in 1898, except to fill vacancies.

Which was agreed to.

On motion of Mr. SHEPPARD, debate on the Section was adjourned until Monday next.

Section 9. Mr. GRAY moved to amend as follows: Line 2, strike out "fourth" and insert "second" in lieu thereof.

Which was agreed to.

Also, same line, to strike out "November" and insert "January" in lieu thereof.

Which was agreed to.

Mr. B. R. TILLMAN moved to amend by adding the following words to the end of the Section:

Members of the General Assembly shall not receive any compensation for more than forty days of any one session: *Provided*, That this limitation shall not affect the first four sessions of the General Assembly under this Constitution.

After debate by Messrs. Ellerbe, Hemphill, B. R. Tillman, Watson, Doyle, G. D. Tillman, Meares, Klugh, Johnstone, Patton, Sligh, Gary and Derham,

Mr. DERHAM moved to lay the amendment on the table.

The question being put: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 56; nays, 76.

Those who voted in the affirmative are:

Yeas—Messrs. Anderson, Ashe, Atkinson, Behre, Bellinger, Bowen, Bowman, Cantey, Cooper, Cunningham, Derham, Doyle, Efird, Ellerbe, W. D. Evans, Farrow, Field, Fraser, Gage, Gary, J. L. Glenn, Hay, Hemphill, D. S. Henderson, Howell, Jervey, George Johnstone, Keitt, E. J. Kennedy, Klugh, Lee, McCown, Mitchell, J. D. Montgomery, W. J. Montgomery, Oliver, Patterson, Patton, J. H. Read, Redfearn, I. R. Read, Rogers, Shuler, Sloan, Smalls, Jeremiah Smith, R. F. Smith, W. C. Smith, Smoak, Sprott, Stribling, Taylor, Timmerman, Watson, A. H. White, S. E. White, and Winkler.—56.

Those who voted in the negative are:

Nays—Hon. Jno. Gary Evans, President, and Messrs. Alexander, Austin, Barker, Barry, Barton, Berry, Bobo, Breazeale, J. S. Brice, T. W. Brice, Buist, Byrd, Carver, DeHay, Dennis, Dent, Douglass, Dudley, Fitch, Garris, Gilland, J. P. Glenn, Graham, Gray, Gunter, Hamel, Harris, Harrison, Haynsworth, Wm. Henderson, Henry, Hodges, Houser, T. E. Johnson, Wilie Jones, J. W. Kennedy, Lowman, McCaslan, McKagen, McMahan, McMakin, McWhite, Meares, Miller, Moore, Morrison, Mower, Murray, Nash, Nicholson, Otts, Parler, Parrott, Peake, Perritte, Prince, Ragsdale, Rosborough, Rowland, Russell, Sheppard, Sligh, A. J. Smith, Sullivan, Talbert, B. R. Tillman, G. D. Tillman, VonKolnitz, Waters, Wells, Wharton, Whipper, Wigg, Wiggins, and Stanyarne Wilson.—76.

Mr. KLUGH moved to amend by adding to the end of the Section the following:

Provided, That by concurrent resolution adopted by two-thirds of each House on a yea and nay vote the term may be extended ten days.

Mr. MEARES moved to lay this amendment on the table; which was agreed to.

The Section as amended was adopted.

Mr. STANYARNE WILSON moved to reconsider the vote whereby the Section as amended was adopted, and to lay that motion on the table; which was agreed to.

Sections 10 and 11 were adopted as reported by the Committee.

Section 12. Mr. GAGE moved to amend line 2 by striking out "proceeding" and inserting in lieu thereof "procedure;" which was agreed to.

The Section as amended was adopted.

Section 13. Mr. GAGE moved to amend line 4 by inserting after "harm" the word "the;" which was agreed to.

The Section as amended was adopted.

Sections 14 and 15 were adopted as reported by the Committee.

Section 16. Mr. STANYARNE WILSON moved the following as a substitute:

Section 16. The style of all laws shall be: "Be it enacted by the General Assembly of the State of South Carolina;" which was agreed to.

The substitute was adopted as Section 16.

Sections 17 and 18 were adopted as reported by the Committee.

Section 19. On motion of Mr. BELLINGER, Section 19 was stricken out.

Section 20. Mr. DERHAM moved to amend Section 20 by adding the following:

Provided, that after four sessions held under this Constitution each member of the General Assembly elected under this Constitution shall receive an annual salary of one hundred and fifty dollars and the further sum of ten cents for every mile of the ordinary route of travel in going to and returning from the place where such session is held.

On motion of Mr. SHEPPARD, the amendment was laid on the table.

Mr. LEE moved to amend as follows:

Section 20. On line 2 by striking out the words "three dollars per diem" and insert in lieu thereof the following wsrds: "Such compensation as may be provided by law."

On motion of Mr. AUSTIN, the amendment was laid on the table.

Mr. GRAY moved to amend as follows: On line 2 strike out the word "three" and insert "four."

Mr. T. E. JOHNSON moved to lay the amendment on the table.

The question being put: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 63; nays, 68.

Those who voted in the affirmative are:

Yeas—Messrs. Alexander, Atkinson, Austin, Barton, Behre, Berry, Bobo, Bowen, Bowman, J. S. Brice, T. W. Brice, Buist, Byrd, Carver, Cunningham, Dent, Doyle, Dudley, Efird, Farrow, Field, Gage, Gilland, J. L. Glenn, Graham, Harris, Harrison, Hay, D. S. Hender-

son, Wm. Henderson, Hodges, Houser, Howell, T. E. Johnson, Lowman, McCaslan, McCowan, McKagen, McMahan, McMakin, McWhite, Matthews, Moore, Mower, Nash, Nicholson, Parler, Parrott, Prince, Russell, Sheppard, Shuler, R. F. Smith, Sprott, Stribling, Sullivan, Talbert, Timmerman, Watson, Wells, A. H. White, S. E. White, and Stanyarne Wilson.—63.

Those who voted in the negative are :

Nays—Hon. John Gary Evans, President, and Messrs. Anderson, Ashe, Barker, Barry, Bellinger, Breazeale, Cantey, Cooper, DeHay, Dennis, Derham, Douglass, Ellerbe, W. D. Evans, Fitch, Fraser, Garris, Gary, J. P. Glenn, Gray, Gunter, Hamel, Haynsworth, Hemphill, Henry, Jervey, George Johnstone, Wilie Jones, Keitt, E. J. Kennedy, J. W. Kennedy, Klugh, Lee, Meares, Miller, J. D. Montgomery, W. J. Montgomery, Morrison, Murray, Oliver, Otts, Patterson, Patton, Peake, Perritte, Ragsdale, Redfearn, I. R. Reed, Rogers, Rosborough, Rowland, Sligh, Sloan, Smalls, A. J. Smith, Jeremiah Smith, W. C. Smith, Smoak, Taylor, B. R. Tillman, G. D. Tillman, VonKolnitz, Waters, Wharton, Whipper, Wigg, and Winkler.—68.

Mr. G. D. TILLMAN moved that when this Convention adjourn it stands adjourned until 12 M. Monday next.

The question being put : "Will the Convention agree thereto ?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows :

Yeas, 82 ; nays, 47.

Those who voted in the affirmative are :

Yeas—Hon. John Gary Evans, President, and Messrs. Alexander, Anderson, Ashe, Atkinson, Austin, Barker, Behre, Bellinger, Bowman, Breazeale, J. S. Brice, T. W. Brice, Byrd, Cunningham, Dent, Derham, Doyle, Efird, Ellerbe, W. D. Evans, Farrow, Fitch, Fraser, Gage, Garris, Gary, Gilland, J. L. Glenn, Gunter, Hay, Haynsworth, Hemphill, D. S. Henderson, Henry, Hodges, Houser, Howell, George Johnstone, Wilie Jones, Keitt, E. J. Kennedy, Klugh, Lee, Lowman, McCown, McKagen, McMahan, McMakin, Matthews, Meares, Miller, J. D. Montgomery, W. J. Montgomery, Mower, Murray, Nash, Parrott, Peake, Perritte, Prince, Ragsdale, Redfearn, I. R. Reed, Rogers, Rosborough, Rowland, Sheppard, Shuler, Sligh, Sloan, Smalls, A. J. Smith, Jeremiah Smith, Stribling, Sullivan, B. R. Tillman, G. D. Tillman, VonKolnitz, Whipper, Wigg, and Stanyarne Wilson.—82.

Nays—Messrs. Barry, Barton, Berry, Bobo, Bowen, Buist, Cantey, Carver, Cooper, DeHay, Dennis, Douglass, Dudley, Field, J. P. Glenn, Graham, Gray, Hamel, Harris, Harrison, Wm. Henderson, T. E. Johnson, J. W. Kennedy, McCaslan, McWhite, Moore, Mor-

rison, Nicholson, Oliver, Otts, Parler, Patterson, Russell, R. F. Smith, W. C. Smith, Smoak, Sprott, Talbert, Taylor, Timmerman, Waters, Watson, Wells, Wharton, A. H. White, S. E. White, and Winkler.—47.

The pending question being the amendment proposed by Mr. Gray.

On motion of Mr. LOWMAN, the Convention, at 2:15 P. M., adjourned until 12 M. Monday.

EIGHTEENTH DAY.

Monday, September 30, 1895.

The Convention assembled at 12 M.

The Secretary called the roll.

The Secretary announced that, owing to illness, the President was unable to preside, and requested Vice President Talbert to assume the duties of the Chair.

Vice President Talbert took the chair.

A quorum being present, the deliberations were opened with prayer by the Rev. Mr. PARROTT.

The Journal of Saturday's proceedings was read and confirmed.

Indefinite leave of absence was granted Messrs. Hemphill and Singletary.

The VICE PRESIDENT called for memorials and such like papers.

RESOLUTIONS.

Mr. WHARTON introduced the following:

Resolved, That speeches be limited to ten minutes on all subjects, except the suffrage question.

Which was ordered for consideration to-morrow.

REPORT.

The following was read the first time Saturday and referred to the Committee on Finance and Taxation, and should have been printed in Saturday's Journal:

The Committee on Militia, to whom was referred an ordinance for exemptions from taxation of certain widows and Confederate soldiers, respectfully report that they have carefully considered the same, and recommend that they be discharged from further consideration thereof, and that the same be referred to the Committee on Finance and Taxation.

All of which is respectfully submitted.

J. W. FLOYD,
For the Committee.

UNFINISHED BUSINESS.

Calendar No. 9, Articles proposed by the Committee on Municipal Corporations and Police Regulations.

On motion of Mr. McCOWN, debate was postponed until to-morrow.

Calendar No. 10, report of Committee on Legislative Department.

Mr. EFIRD moved, in consideration of the absence of Mr. Sligh, Chairman of the Committee, that the Section be passed over for the present; which was agreed to.

Nos. 11 and 12 were passed for the present.

No. 14, report of Committee on Amendments.

Mr. GEO. JOHNSTONE moved to amend Section 1, line 1, by striking out "of" and inserting "or;" which was agreed to.

Mr. STRIBLING moved to amend Section 1, line 9, by striking out "same" and inserting "such" in lieu thereof.

Mr. McCOWN moved to amend line 8, Section 1, by striking out "two-thirds" and inserting "majority" in lieu thereof.

On motion of Mr. GRAY, the amendment was laid on the table.

The Section as amended was adopted.

Section 2 was adopted as reported by Committee.

Section 3. Mr. B. R. TILLMAN moved to amend line 7 striking out "not less than" and inserting "equal to" in lieu thereof.

After debate by Messrs. Wigg, Johnstone and Timmerman, the amendment was adopted.

The Section as amended was adopted.

Mr. MILLER moved that the following be added as Section 4:

Section 4. Whenever a Constitution shall be made by a Constitutional Convention the said Constitution shall be submitted to the electors of the State for ratification.

After debate by Messrs. Sheppard and Miller,

On motion of Mr. SHEPPARD, the proposed Section was laid on the table.

The report of the Committee on Amendments having received a second reading, and being adopted as amended, was ordered engrossed for a third reading to-morrow.

No. 16 was passed over.

No. 18, report of Committee on Impeachments. Mr. B. R. TILLMAN moved to amend Section 1 by adding the following to the end thereof: "And their places shall be filled during the trial in such manner as may be provided by law;" which was agreed to.

The Section as amended was adopted.

Section 2. Mr. D. S. HENDERSON moved to amend line 4 by striking out "or the senior Judge" and inserting in lieu thereof, "or, if he be disqualified, the senior Justice;" which was agreed to.

The Section as amended was adopted.

Section 3 was adopted as reported by the Committee.

Section 4. Mr. LEE moved to amend line 8 by adding after "defense" the following: "or by his counsel or by both;" which was agreed to.

The Section as amended was adopted.

The report of the Committee on Impeachments as amended was adopted. Having received its second reading, it was ordered engrossed for a third reading to-morrow.

No. 19 was passed over.

No. 20, on motion of Mr. STANYARNE WILSON, was passed over to be taken up and considered in connection with the report of the Committee on Miscellaneous Matters.

No. 21 was passed over.

No. 22, a resolution relating to murder and manslaughter. After debate by Messrs. Stanyarne Wilson and Buist, the question being put, "Will the Convention agree to the unfavorable report of the Committee?" the yeas and nays were requested, and are as follows:

Yeas, 87; nays, 31.

Those who voted in the affirmative are:

Yeas—Messrs. Aldrich, Anderson, Atkinson, Barker, Behre, Bobo, Bowen, Bowman, Breazeale, Byrd, Cantey, Carver, Connor, Cooper, DeHay, Dennis, Dent, Douglass, Doyle, Efird, W. D. Evans, Farrow, Field, Floyd, Fraser, Gage, Garris, Gary, J. L. Glenn, Gray, Hamel, Harris, Harrison, Hay, D. S. Henderson, Henry, Howell, Hutson, George Johnstone, Wilie Jones, E. J. Kennedy, J. W. Kennedy, Klugh, Lee, McCaslan, McCown,

McGowan, McKagen, McMakin, McWhite, Matthews, Miller, Mitchell, W. J. Montgomery, Moore, Nathans, Nicholson, Oliver, Otts, Parler, Patterson, Patton, Peake, Prince, Redfearn, I. R. Reed, Rosborough, Rowland, Russell, Sheppard, Sloan, Smalls, A. J. Smith, Jeremiah Smith, R. F. Smith, W. C. Smith, Stribling, Sullivan, G. D. Tillman, VonKolnitz, Wharton, Whipper, A. H. White, Wigg, Wiggins, Stanyarne Wilson and Winkler.—87.

Those who voted in the negative are :

Nays—Messrs. Alexander, Ashe, Austin, Barton, Bellinger, Berry, J. S. Brice, Buist, Derham, Dudley, Ellerbe, J. P. Glenn, Graham, Haynsworth, Wm. Henderson, Hiers, Hodges, Jervey, Lowman, Morrison, Perritte, Smoak, Stackhouse, Stokes, Talbert, Taylor, B. R. Tillman, Timmerman, Watson, Wells and S. E. White.—31.

So the Convention agreed to the unfavorable report of the Committee and the resolution was rejected.

Numbers 23, 24, 25 and 26 were passed over.

No. 27, report of Committee on Miscellaneous Matters.

Section 1. Mr. MILLER moved to amend line 2 by striking out "possess the qualification of" and insert "or she —— is."

On motion of Mr. SLOAN, the amendment was laid on the table.

On motion of Mr. STANYARNE WILSON, Section 1 was passed over.

Section 2 was adopted as reported by the Committee.

Section 3. The following amendments were proposed to Section 3 :

By Mr. D. S. HENDERSON as a substitute—

Divorces from the bonds of matrimony shall not be allowed but by the judgment of a Court rendered upon the verdict of a jury; and no divorce shall be granted except for adultery; and the guilty party shall not be permitted to marry again.

By Mr. I. W. BOWMAN—

In Section 3 strike out all after word "allowed" and insert "in this State."

By Mr. LEE—

Amend Section 3, line 3, by striking out all of said Section after the word "allowed."

By Mr. T. E. DUDLEY—

Strike out on first line the words following the word "allowed," so that the Section shall read: "Divorces from the bond of matrimony shall not be allowed."

By Mr. A. S. FARROW—

Substitute for Section 3: "Divorces from the bonds of matrimony shall be allowed, under such regulations as may be prescribed by law, for the following grounds, to wit: adultery, bodily cruelty and willful desertion for seven years.

By Mr. KLUGH—

Amend Section 1 by adding at the end "unless otherwise provided by law."

On motion of Mr. GEORGE JOHNSTONE, the Section was passed for the present. Ordered that all the proposed amendments be printed in the Journal.

Section 4 was adopted as reported by the Committee.

Section 5, on motion of Mr. STANYARNE WILSON, was passed over.

Sections 6 and 7 were adopted as reported by the Committee.

On motion of Mr. SHEPPARD, Section 8 was stricken out.

Mr. TIMMERMAN moved the following as a substitute for Section 9:

It shall be unlawful for any person holding an office of honor, trust or profit to engage in gambling or betting on games of chance; and any such officer, upon conviction thereof, shall become thereby disqualified from the further exercise of the functions of his office, and that the office of said person shall become vacant as in the case of resignation or death.

Which was agreed to.

The substitute was adopted as Section 9.

Section 10. Mr. BOWMAN moved to amend line 7 by striking out "married" and inserting "unmarried" in lieu thereof; which was agreed to.

Mr. STANYARNE WILSON moved to amend by adding to the end of the Section the following: "*Provided* she shall not have power to contract as surety for her husband."

The pending question being the proposed amendment of Mr. Stanyarne Wilson, on motion of Mr. WIGG, at 2 P. M., the Convention receeded from business until 8 P. M. this day.

RECESS.

Vice President TALBERT resumed the chair at 8 P. M.

Mr. MITCHELL asked and obtained leave of absence for his colleague Mr. Barker until 12 M. Wednesday next.

RESOLUTIONS.

Mr. ELLERBE offered the following:

Resolved, That this Convention shall adjourn on Friday, the 4th day of October prox., to meet on Tuesday, the 14th day of January, 1896.

Which was read the first time and made a special order for to-morrow at 12 M.

Mr. D. S. HENDERSON offered the following resolution, which was considered immediately and unanimously adopted by a rising vote:

Whereas it has pleased Almighty God to take from the people of this State that incorruptible jurist, Hon. George S. Bryan, who, throughout the darkest days of misrule in South Carolina, had the courage and fortitude to sustain the rights of the people under the law, even against military rule; therefore

Be it resolved by this Convention of the people of South Carolina, That in the death of Judge Bryan this State has sustained a great loss, and that our sympathy is hereby extended to his bereaved family.

The Convention resumed consideration of Section 10, Calendar No. 27, the pending question being the amendment proposed by Mr. Stanyarne Wilson this morning.

Mr. DERHAM moved to amend as follows: on line 4 strike out all the words after "debts" down to and including the word "therefor."

After debate, participated in by Messrs. Wilson, Hutson, Prince, Wharton, Sloan, Johnstone and Sheppard,

Mr. SHEPPARD moved to lay both the proposed amendments on the table; which was agreed to.

Mr. DUDLEY moved to amend line 4 by inserting after the word "Acts" the words "in writing;" which was agreed to.

Mr. GAGE moved the following as a substitute for Section 10:

Section 10. The real and personal property of a woman held at the time of her marriage, or that which she may thereafter acquire, either by gift, grant, inheritance, devise or otherwise, shall not be subject to levy and sale for her husband's debts, but shall be held as her separate property, and may be bequeathed, devised or alienated by her the same as if she were unmarried: *Provided*, No gift or grant from the husband to the wife shall be detrimental to the just claims of creditors: *Provided, further*, No married woman shall have the power to bind her estate by any promise to pay the debt or default of another, or by any contract of endorsement, surety or guaranty.

After debate, participated in by Messrs. Gage and Johnstone,

Mr. HUTSON moved to table the substitute of Mr. Gage.

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows:

Yeas, 76; nays 42.

Those who voted in the affirmative are:

Yeas—Messrs. Alexander, Anderson, Ashe, Austin, Barton, Bobo, Bowman, Breazeale, J. S. Brice, Buist, Carver, Cooper, DeHay, Dennis, Douglass, Doyle, Dudley, Farrow, Fraser, Garris, J. L. Glenn, J. P. Glenn, Gooding, Gray, Gunter, Harris, Harrison, Haynsworth, D. S. Henderson, Wm. Henderson, Hiers, Howell, Hutson, Jervey, Wilie Jones, Keitt, J. W. Kennedy, Lowman, McGowan, McMakin, McWhite, Matthews, Miller, Mitchell, W. J. Montgomery, Moore, Mower, Nathans, Nicholson, Parler, Patton, Perritte, Prince, Ragsdale, Redfearn, I. R. Reed, Sheppard, Sloan, Smalls, Jeremiah Smith, R. F. Smith, W. C. Smith, Smoak, Stribling, Sullivan, Taylor, Von-Kolnitz, Watson, Wells, Wharton, Whipper, A. H. White, S. E. White, Wigg, Wiggins, and Winkler.—76.

Those who voted in the negative are:

Nays—Messrs. Atkinson, Barry, Bowen, Byrd, Cantey, Connor, Derham, Efird, W. D. Evans, Field, Floyd, Gage, Graham, Hamel, Hay, Hemphill, Henry, Hodges, Johnstone, E. J. Kennedy, Klugh, Lybrand, McCaslan, McCown, McKagen, Meares, Morrison, Peake, Rosborough, Rowland, Russell, Sligh, A. J. Smith, Stackhouse, Stokes, Talbert, B. R. Tillman, G. D. Tillman, Timmerman, Waters, Stanyarne Wilson, and W. B. Wilson.—42.

Mr. PATTON moved to amend the Section, line 3, by striking out after the word "otherwise" down to and including the word "but" in line 4; which was agreed to.

Mr. GEORGE JOHNSTONE moved to amend by striking out all of lines 6 and 7 after the word "entitled" in line 6.

Mr. HUTSON moved to lay the amendment on the table; which was agreed to.

Mr. HEMPHILL moved to strike out all of Section 10 after the word "same" on line 5.

Mr. HENDERSON moved to lay the amendment on the table; which was agreed to.

Section 10 was then adopted as amended.

Section 11 was adopted as reported by the Committee.

The Convention then recurred to Section 1, which was passed this morning.

Mr. GRAY moved to amend by adding the words: "*Provided,* women may be appointed to such offices as may be provided by law."

Mr. WIGG moved the following as a substitute for the amendment proposed by Mr. Gray:

"*Provided, however,* That this Section shall not be construed to apply to presidents, principals or professors of institutions of learning, Librarian of the State, and college and school trustees."

The question being put, the Convention refused to adopt the substitute.

Mr. ALDRICH offered the following as a substitute for the amendment of Mr. Gray:

Strike out on line 1 at the end of the line the words "in this State" and insert "under this Constitution."

The question being put, the Convention refused to adopt the substitute.

The question then being upon the amendment proposed by Mr. Gray, the Convention refused to adopt the amendment.

Section 1 was then adopted as reported by the Committee.

Section 3. Mr. D. S. HENDERSON moved the following as a substitute:

Divorces from the bonds of matrimony shall not be allowed but by the judgment of a Court rendered upon the verdict of a jury; and no divorce shall be granted except for adultery, and the guilty party shall not be permitted to marry again.

Mr. BOWMAN moved to amend the Section as reported by the Committee by inserting after the word "allowed," in line 3, the words "in this State."

After debate, participated in by Messrs. Henderson, Bowman, Farrow, Patton and Timmerman, the pending question being the substitute proposed by Mr. Henderson,

On motion of Mr. TILLMAN, the Convention, at 10:55 P. M., adjourned until 10 A. M. to-morrow.

NINETEENTH DAY.

Tuesday, October 1, 1895.

The Convention assembled at 10 A. M.

The Secretary called the roll.

Owing to the illness of the President, Vice President TALBERT assumed the duties of the Chair.

A quorum being present, the deliberations were opened with prayer by the Rev. Mr. PARROTT.

The Journal of yesterday's proceedings was read and confirmed.

Mr. LYBRAND asked and obtained indefinite leave of absence on account of sickness in his family.

Mr. DENNIS asked and obtained indefinite leave of absence for Mr. Murray on account of sickness in his family.

Mr. TIMMERMAN asked and obtained leave of absence for Mr. Yeldell, Chief Clerk of the Engrossing Department, until Monday next, on account of sickness.

RESOLUTION.

Mr. FRASER, Chairman of the Committee on Order, Style and Revision, introduced the following, which was considered immediately and agreed to:

RESOLUTION AS TO PRINTING ARTICLES WHICH HAVE PASSED A THIRD READING.

Resolved, That all Articles of the Constitution, as amended, which have heretofore passed, or shall hereafter pass, a third reading be printed for the use of the Committee on Order, Style and Revision, and be laid on the tables of the members of this Convention.

REPORTS OF STANDING COMMITTEES.

Mr. AUSTIN, Chairman of the Committee on Counties and County Government, submitted the following, which was considered immediately and adopted:

REPORT OF THE COMMITTEE ON COUNTIES AND COUNTY GOVERNMENT.

The Committee on Counties and County Government, to whom was referred the following resolutions and ordinances,—

By Mr. J. C. Otts, in Journal September 17, page 10;

By Mr. W. Gage, in Journal September 14, page 7;

By Mr. Hiers, in Journal September 13, page 9;

By Mr. Timmerman, in Journal September 17, page 11;

By Mr. G. D. Tillman, in Journal September 13, page 8;

By Mr. Efird, in Journal September 11, page 2;

By Mr. Samuel E. White, in Journal September 17, page 1;

By Mr. W. D. Evans, in Journal September 13, page 7;

By Mr. B. R. Tillman, in Journal September I3, page 8,—

Respectfully report that they have carefully considered the same and return them without report, as some of the provisions of same have been incorporated in the reports submitted by the Committee.

All of which is respectfully submitted.

J. T. AUSTIN,
For Committee.

Columbia, S. C., October 1st, 1895.

Mr. B. R. TILLMAN, Chairman of the Committee on Suffrage, submitted the following, which was considered immediately and agreed to :

REPORT OF COMMITTEE ON RIGHT OF SUFFRAGE.

The Committee on Right of Suffrage, to whom was referred the following resolutions and ordinances, to wit:

Resolution on the Right of Suffrage, by Mr. Efird, Journal 2d day, page 2;

An ordinance relating to the Right of Suffrage, by Mr. Johnstone, Journal 4th day, page 16;

An ordinance relating to Suffrage, by Mr. Parler, Journal 6th day, page 12;

Resolution relating to the Qualification for Office, by Mr. Taylor, Journal 6th day, page 12;

Ordinance in relation to Suffrage and Citizenship, by Mr. Johnstone, Journal 12th day, page 9;

A resolution to make licensed ministers of the Gospel ineligible to hold office in South Carolina, by Mr. Hodges, Journal 4th day, page 2;

A resolution for the Regulation of Suffrage in the State of South Carolina, by Mr. Patton, Journal 4th day, page 5;

A resolution regulating the Right of Suffrage, by Mr. W. B. Wilson, Journal 7th day, page 7;

Resolved, That it is the sense of this Convention that the Committee on Suffrage and Election shall report a clause in favor of female suffrage, by Mr. McCown, Journal 7th day, page 16;

An ordinance relating to the Right of Suffrage, by Mr. Gamble, Journal 6th day, page 3;

Ordinance to regulate the Right of Suffrage, by Mr. Smalls, Journal 6th day, page 13;

Ordinance to prescribe who shall be voters, by Mr. McMahan, Journal 8th day, page 21;

The Right of Suffrage not to be denied on account of sex, by Mr. Clayton, Journal 10th day, page 7;

An ordinance to extend the Right of Suffrage, by Mr. Parrett, Journal 8th day, page 20;

Resolution providing that official residence shall not affect the Right of Suffrage of State officers, by Committee on the Executive Department, Journal 9th day, page 11;

Memorial by Cora S. Lott, Journal 16th day, page 2;

Resolution to amend the Constitution, Article VIII, Sections 1 and 2, on the Right of Suffrage, by Mr. Russell, Journal 7th day, page 13,—

Beg leave to report that they have carefully considered the same. and have incorporated such suggestions from them in the Article on Right of Suffrage as they consider wise and proper, and we beg to be relieved of their further consideration.

B. R. TILLMAN,
Chairman Committee.

UNFINISHED BUSINESS.

The Convention resumed the consideration of Calendar No. 27, report of the Committee on Miscellaneous Matters.

The pending question being the amendment proposed by Mr. BOWMAN to Section 3, line 2, as a substitnte for the substitute offered by Mr. D. S. Henderson.

After spirited debate by Messrs. D. S. Henderson, Watson, Jervey, McGowan, Houser, W. J. Montgomery, Sheppard, Hutson, Breazeale, W. C. Smith, McWhite, VonKolnitz, Bowman and J. S. Glenn,

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows:

Yeas, 86; nays, 49.

Those who voted in the affirmative are:

Yeas—Messrs. Aldrich, Alexander, Ashe, Austin, Barton, Bates, Behre, Berry, Bobo, Bowman, Breazeale, J. S. Brice, Buist, Byrd, Cantey, Carver, Connor, Cooper, Cunningham, Dent, Douglass, Doyle, Dudley, Ellerbe, Floyd, Gary, Gilland, J. P. Glenn, Gooding, Gray, Gunter, Hamel, Harris, Harrison, Hay, Haynsworth, Henry, Hiers, Houser, Howell, Hutson, Irby, T. E. Johnson, Wilie Jones, Klugh, Lee, Lowman, Lybrand, McCalla, McCown, McDermotte, McGowan, Matthews, Meares, Mitchell, Moore, Nathans, Otts, Parler, Parrott, Patterson, Patton, Perritte, Redfearn, Rowland, Russell,

Sloan, A. J. Smith, Jeremiah Smith, R. F. Smith, W. C. Smith, Smoak, Sprott, Stokes, Stribling, Talbert, G. D. Tillman, Von-Kolnitz, Waters, Watson, Wells, Wharton, A. H. White, S. E. White, Stanyarne Wilson, and Winkler.—86.

Those who voted in the negative are :

Nays—Messrs. Anderson, Atkinson, Barry, Bowen, T. W. Brice, Dennis, W. D. Evans, Farrow, Field, Fitch, Fraser, Gage, Garris J. L. Glenn, Graham, Hemphill, D. S. Henderson, Wm. Henderson, Hodges, Jervey, George Johnstone, Keitt, E. J. Kennedy, J. W. Kennedy, McCaslan, McMakin, McWhite, Miller, J. D. Montgomery, W. J. Montgomery, Morrison, Nicholson, Peake, Ragsdale, J. R. Reed, Rogers, Rosborough, Sheppard, Smalls, Stackhouse, Sullivan, Taylor, B. R. Tillman, Timmerman, Whipper, Wigg, Wiggins, W. B. Wilson, and Woodward.—49.

Section 3. The Section as amended reads as follows: "Divorces from the bonds of matrimony shall not be allowed in this State."

Mr. B. R. TILLMAN moved to amend as follows:

Add after "allowed in this State": "But the Courts of this State shall recognize and give full credit to the judgments of the Courts of other States in divorce cases."

After debate by Messrs. B. R. Tillman, Patton, McGowan, Klugh, D. S. Henderson and Bowman,

Mr. BOWMAN moved to lay the amendment on the table; which was agreed to.

Mr. W. D. EVANS moved to amend as follows:

Add to Section 3 the following: "*Provided,* That divorces granted by the Courts of other States of the Union shall have in this State the same force and effect as in the States where granted."

On motion of Mr. HUTSON, the amendment was laid on the table.

Mr. KLUGH moved to amend Section 3 by adding after the words "in this State" the words "but the General Assembly may by special Act legitimatize the issue of a marriage following a divorce granted by the Courts of another State."

On motion of Mr. PATTERSON, the amendment was laid on the table.

The Section as amended was adopted.

Mr. McGOWAN moved to reconsider the vote whereby the Convention adopted Section 3 as amended, and to lay that motion on the table; which was agreed to.

Section 5 was adopted as reported by the Committee.

The report of the Committee on Miscellaneous Matters, Calendar, No. 27, having been read the second time as amended, and adopted, was ordered engrossed for a third reading to-morrow.

SPECIAL ORDER.

Calendar No. 36—

Resolved, That this Convention shall adjourn on Friday, October 4th proximo, to meet on Thursday, the 14th day of January, 1896.

After debate by Messrs. Ellerbe, Stanyarne Wilson, Lee, Wm. Henderson, B. R. Tillman, Winkler, Prince, Timmerman, and Rogers,

Mr. LEE moved to indefinitely postpone the resolution.

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows:

Yeas, 85; nays, 53.

Those who voted in the affirmative are:

Yeas—Messrs. Aldrich, Alexander, Anderson, Ashe, Atkinson, Austin, Barry, Barton, Bates, Bellinger, Bobo, Bowen, Bowman, Breazeale, Buist, Byrd, Cantey, Carver, Connor, Cooper, Cunningham, Dent, Douglass, Dudley, W. D. Evans, Farrow, Field, Fitch, Floyd, Fraser, Garris, Gary, Gilland, J. L. Glenn, J. P. Glenn, Gooding, Gray, Gunter, Hamel, Harris, Harrison, Hay, Haynsworth, D. S. Henderson, Henry, Hodges, Houser, Hutson, T. E. Johnson, E. J. Kennedy, J. W. Kennedy, Lee, Lowman, McCown, McDermotte, McKagen, McWhite, Matthews, Meares, Moore, Morrison, Otts, Parler, Patterson, Peake, Prince, Redfearn, Rosborough, Rowland, Russell, Smalls, Jeremiah Smith, R. F. Smith, Smoak, Sprott, Stokes, Sullivan, Talbert, B. R. Tillman, Timmerman, Waters, Stanyarne Wilson, Winkler, and Woodward.—85.

Those who voted in the negative are:

Nays--Messrs. Berry, J. S. Brice, T. W. Brice, DeHay, Dennis, Doyle, Ellerbe, Gage, Gamble, Graham, Hemphill, Wm. Henderson Hiers, Howell, Irby, George Johnstone, Keitt, Klugh, McCalla, McCaslan, McGowan, McMakin, Miller, Mitchell, J. D. Montgomery, W. J. Montgomery, Nathans, Nicholson, Oliver, Parrott, Perritte, Ragsdale, Rogers, Sheppard, A. J. Smith, W. C. Smith, Stackhouse Stribling, Taylor, G. D. Tillman, VonKolnitz, Watson, Wells, Wharton, Whipper, A. H. White, S. E. White, Wigg, Wiggins, and W. B. Wilson.—53.

Mr. WINKLER offered the following :

Resolved, That this Convention shall adjourn on Friday, the 4th day of October, 1895, at 10 o'clock, P. M., to meet on Tuesday, the 15th day of October, 1895, at 12 o'clock noon.

Mr. HOWELL moved to lay the resolution on the table.

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows :

Yeas, 86 ; nays, 53.

Those who voted in the affirmative are :

Yeas—Messrs. Aldrich, Alexander, Anderson, Atkinson, Austin, Barton, Bates, Behre, Bellinger, Bobo, Bowen, Breazeale, Buist, Carver, Cunningham, Dent, Douglass, Dudley, W. D. Evans, Farrow, Field, Fitch, Fraser, Gage, Garris, Gilland, J. L. Glenn, J. P. Glenn, Gooding, Gary, Gunter, Hamel, Harris, Harrison, Hay, Haynsworth, Hemphill, D. S. Henderson, Hiers, Hodges, Houser, Howell, Hutson, Jervey, T. E. Johnson, Wilie Jones, Keitt, E. J. Kennedy, J. W. Kennedy, Lee, McCaslan, McGowan, McKagen, McWhite, Matthews, Meares, Moore, Nicholson, Otts, Parler, Patterson, Patton, Peake, Prince, I. R. Reed, Rosborough, Rowland, Russell, Sheppard, Sloan, R. F. Smith, W. C. Smith, Smoak, Sprott, Stokes, Stribling, Sullivan, Talbert, B. R. Tillman, Timmerman, Waters, Wells, Wharton, A. H. White, Stanyarne Wilson, and Woodward.—86.

Those who voted in the negative are:

Nays—Messrs. Ashe, Berry, Bowman, J. S. Brice, T. W. Brice, Byrd, Cantey, Connor, Cooper, DeHay, Dennis, Doyle, Elllerbe, Floyd, Gamble, Gary, Graham, Wm. Henderson, Henry, Irby, George Johnstone, Klugh, Lowman, McCalla, McDermotte, McGowan, McMakin, Miller, Mitchell, J. D. Montgomery, W. J. Montgomery, Morrison, Nathans, Oliver, Parrott, Perritte, Ragsdale, Redfearn, Rogers, Smalls, A. J. Smith, Jeremiah Smith, Stackhouse, Taylor, G. D. Tillman, VonKolnitz, Watson, Whipper, S. E. White, Wigg, Wiggins, W. B. Wilson, and Winkler.—53.

Mr. PATTERSON moved to reconsider the vote whereby the Convention agreed to lay the resolution on the table, and to lay that motion on the table ; which was agreed to.

On motion of Mr. SHEPPARD, the Convention, at 1:55 P. M., receded from business until 8 P. M. this day.

RECESS.

Vice President TALBERT resumed the Chair at 8 P. M.

REPORTS OF STANDING COMMITTEES.

Mr. B. R. TILLMAN, for the Committee on Suffrage, submitted the following report, which was read the first time and ordered for consideration to-morrow:

REPORT OF THE COMMITTEE ON RIGHT OF SUFFRAGE.

To the President and Members of the Convention:

The Committee on Right of Suffrage respectfully report the accompanying document, consisting of fifteen Sections, and recommend its adoption as Article — of the Constitution.

All of which is respectfully submitted.

B. R. TILLMAN, Chairman.

ARTICLE —.

Right of Suffrage.

Section 1. All elections by the people shall be by ballot.

Section 2. Every qualified elector shall be eligible to any office to be voted for, unless disqualified by age. But no person shall hold two offices of honor or profit at the same time except officers in the militia and Notaries Public.

Section 3. Every male citizen of the United States, twenty-one years of age and upwards, not laboring under the disabilities named in this Constitution, and possessing the qualifications required by it, shall be a legal elector.

Section 4. The qualifications for suffrage shall be as follows:

(a.) Residence in the State for two years, in the County one year, in the election district in which the elector offers to vote four months, and the payment of a poll tax six months before any election: *Provided, however,* That Ministers of the Gospel in charge of an organized church shall be entitled to vote after six months' residence in the State, if otherwise qualified.

(b) Registration, which shall provide for the enrollmont of every elector once in ten years.

(c.) The person applying for registration must be able to read and write any Section of this Constitution, or must show that he owns and pays taxes on $300 worth of property in this State: *Provided,* That at the first registration under this Constitution, and up to January 1st, 1898, all male persons of voting age who can read a clause in this Constitution, or understand or explain it when read to them by the registration officer, shall be entitled to register and become electors. A separate record of all illiterate persons thus registered, sworn to by the registration officer shall be filed,

one copy with the Clerk of Court, and one in the office of the Secretary of State, on or before January 1st, 1898, and such persons shall remain during life qualified electors, unless disqualified by the provisions of Section 6 of this Article. The certificate of the Clerk of Court or Secretary of State shall be sufficient evidence to establish the right of said class of citizens to registration and the franchise.

(d.) Any person who shall apply for registration after January Ist, 1898, if otherwise qualified, may be registered: *Provided,* That he can both read and write any Section of this Constitution, or can show that he owns and has paid taxes during the previous year on property in this State assessed at $300 or more.

(e.) Managers of election shall require of every elector offering to vote at any election, before allowing him to vote, proof of the payment of all taxes, including poll tax, assessed against him for the previous year.

(f.) Registration certificates when lost shall be renewed if the applicant is qualified under the provisions of this Constitution, or if he has been registered as provided in sub-Section "*e.*"

Section 5. Any person denied registration shall have the right to appeal to any and all Courts of this State to determine the question under the limitations imposed in this Article, and the General Assembly shall provide by law for the correction of illegal or fraudulent registration and the punishment of the same.

Section 6. The following persons are disqualified from being registered or voting:

First, persons convicted of burglary, theft, arson, obtaining goods or money under false pretenses, perjury, forgery, robbery. bribery, adultery, embezzlement, bigamy, or crimes against the election laws: *Provided,* That the pardon of the Governor shall remove such disqualifications.

Second, persons who are idiots, insane, paupers supported at the public expense, and persons confined in any public prison.

Section 7. For the purpose of voting no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this State or of the United States or of the high seas.

Section 8. The General Assembly shall provide by law for the registration of all qualified electors and shall prescribe the manner of holding elections and of ascertaining the results of the same: *Provided,* That each of the two political parties casting the highest number of votes at the preceding election shall have have representation on the Board of Managers at each precinct and on the Board of County Canvassers in each County: *Provided,* At the first registration under this Constitution and until the first of January, 1898, the registration shall be conducted by a Board of three to be appointed by the Governor, or by and with the advice and consent of the Senate.

Section 9. The several Counties in the State shall be divided into election districts, with one precinct in each of the same, at which alone the voter registered for that precinct can cast his ballot: *Provided,* That a voter may be transferred from one election district to another.

Section 10. The General Assembly shall provide by law for the holding of party primary elections and punishing fraud at the same.

Section 11. The registration books shall close at least thirty days before an election, during which time transfers and registration shall not be legal except as to persons coming of age in the interim.

Section 12. Electors in municipal elections shall possess all the qualifications herein prescribed, and the General Assembly shall provide for a special registration of voters for each municipal election.

Section 13. At any special election in incorporated cities and towns of this State for the purpose of bonding the same, all resident owners of property in said cities and towns of the assessed value of two hundred dollars, who are qualified electors under this Constitution, shall alone be entitled to vote at such election. The voter shall produce a receipt for all taxes, County, State and municipal, for the previous year as evidence of his right to vote.

Section 14. Electors shall in all cases except treason, felony or a breach of the peace be privileged from arrest on the days of election during their attendance at the polls and going to and returning therefrom.

Section 15. No power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage in this State.

Mr. DUDLEY, for the Committee on Engrossed Resolutions and Ordinances, to whom the Article relating to impeachment was referred, reported that the same had been correctly engrossed and revised.

Ordered to a third reading to-morrow.

UNFINISHED BUSINESS.

The Convention resumed the consideration of the substitute proposed by Mr. Clayton to Section 14, Calendar No. 9, printed in the Journal of Thursday, September 26th, pages 16 and 17.

After debate by Messrs. Clayton, Farrow, Watson and Patterson,

Mr. SHEPPARD moved to indefinitely postpone the substitute.

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows:

Yeas, 102; nays, 32.

Those who voted in the affirmative are:

Yeas—Messrs. Aldrich, Alexander, Anderson, Ashe, Atkinson, Barry, Barton, Bates, Bellinger, Berry, Bobo, Bowen, J. S. Brice, T. W. Brice, Carver, Cooper, DeHay, Dennis, Douglass, Doyle, Dudley, W. D. Evans, Farrow, Field, Fitch, Floyd, Fraser, Gage, Gamble, Garris, Gary, Gilland, J. L. Glenn, J. P. Glenn, Gooding, Graham, Gray, Harris, Harrison, Hay, Haynsworth, Hemphill, D. S. Henderson, Henry, Hiers, Hodges, Howell, Hutson, Irby, T. E. Johnson, George Johnstone, Wilie Jones, Keitt, E. J. Kennedy, J. W. Kennedy,

Klugh, Lee, Lowman, McDermotte, McGowan, McKagen, McMakin, Matthews, Miller, Mitchell, Nathans, Nicholson, Oliver, Otts, Parler, Patterson, Patton, Peake, Prince, Ragsdale, Redfearn, Rogers, Rosborough, Rowland, Sheppard, Sloan, A. J. Smith, Jeremiah Smith, R. F. Smith, W. C. Smith, Sprott, Stokes, Stribling, Sullivan, Taylor, B. R. Tillman, G. D. Tillman, Timmerman, VonKolnitz, Waters, Wells, Wharton, Whipper, A. H. White, S. E. White, Wiggins, W. B. Wilson, and Winkler.—103.

Those who voted in the negative are :

Nays—Messrs. Bowman, Breazeale, Buist, Byrd, Cantey, Clayton, Connor, Cunningham, Ellerbe, Hamel, Wm. Henderson, Houser, McCalla, McCaslan, McCown, McWhite, Meares, J. D. Montgomery, W. J. Montgomery, Moore, Morrison, Parrott, Perritte, Russell, Smalls, Smoak, Stackhouse, Talbert, Watson, Wigg, Stanyarne Wilson, and Woodward.—32.

Mr. GEORGE JOHNSTONE moved to amend Section 14 as follows : Strike out all after the word "proper."

On motion of Mr. B. R. TILLMAN, the proposed amendment was laid on the table.

Mr. B. R. TILLMAN moved the following to be added to the end of Section 14 as reported by the Committee :

Provided, That no license shall be granted to sell alcoholic beverages in less quantities than one-half pint; or to sell them between sundown and sunrise; or to sell them to be drunk on the premises: *And provided, further,* That the General Assembly shall not delegate the power to issue licenses to sell the same to any municipal corporation.

Which was agreed to by a rising vote of 87 to 26.

Mr. BELLINGER moved to amend as follows: Strike out "and" in the 7th line and insert after "County" in the same line the words "and municipal;" which was agreed to.

Mr. TILLMAN moved to amend by striking out "intoxicating" wherever it appears in the Section and inserting "alcoholic" in lieu thereof ; which was agreed to.

Mr. STANYARNE WILSON moved to amend as follows : By striking out all after the word "State," line 3, down to and including the word "proper," on line 5.

After debate by Messrs. Stanyarne Wilson, B. R. Tillman, Rogers, Parrott and Prince,

Mr. D. S. HENDERSON moved to lay the proposed amendment on the table ; which was agreed to.

Mr. CONNOR moved the following: After the words "State and County officers," lines 7 and 8, and before the words "both or either," add the following: "elected by the people or the General Assembly."

The question being put, the Convention refused to adopt the amendment.

Mr. GARY moved to amend line 8, Section 14, by striking out the word "both" and insert the word "all;" which was agreed to.

Mr. FARROW moved to reconsider the vote whereby the Convention refused to adopt the amendment proposed by Mr. George Johnstone.

Mr. STANYARNE WILSON moved to lay the motion to reconsider on the table.

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows:

Yeas, 105; nays, 24.

Those who voted in the affirmative are:

Yeas—Messrs. Alexander, Ashe, Atkinson, Barry, Barton, Bates, Bellinger, Berry, Bobo, Bowen, Bowman, Breazeale, T. W. Brice, Buist, Byrd, Cantey, Carver, Clayton, Connor, Cunningham, DeHay, Dennis, Douglass, Doyle, Dudley, Ellerbe, W. D. Evans, Field, Floyd, Fraser, Garris, Gary, J. L. Glenn, J. P. Glenn, Gooding, Graham, Gray, Hamel, Harris, Hay, Haynsworth, Hemphill, D. S. Henderson, Wm. Henderson, Hiers, Hodges, Houser, Hutson, Irby, T. E. Johnson, Wilie Jones, Keitt, J. W. Kennedy, Lowman, McCalla, McCaslan, McCown, McDermotte, McKagen, McWhite, Matthews, Meares, Miller, J. D. Montgomery, W. J. Montgomery, Moore, Morrison, Nicholson, Otts, Parler, Parrott, Patterson, Peake, Perritte, Prince, Ragsdale, Redfearn, Rogers, Rowland, Russell, Sheppard, Sloan, A. J. Smith, Jeremiah Smith, W. C. Smith, Smoak, Sprott, Stackhouse, Stokes, Stribling, Sullivan, Talbert, Taylor, B. R. Tillman, Timmerman, Waters, Watson, Wells, Wharton, A. H. White, Wiggins, Stanyarne Wilson, W. B. Wilson, and Winkler.—105.

Those who voted in the negative are:

Nays—Messrs. Aldrich, Anderson, J. S. Brice, Farrow, Fitch, Gage, Gilland, Howell, Jervey, George Johnstone, Klugh, Lee, McGowan, Mitchell, Nathans, Oliver, Patton, Smalls, R. F. Smith, G. D. Tillman, VonKolnitz, Whipper, S. E. White, and Wigg.—24.

Mr. DOYLE moved to amend as follows:

Add after the Section as reported by the Committee the words "but not for profit."

The question being put: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 45; nays, 84.

Those who voted in the affirmative are:

Yeas—Messrs. Anderson, Ashe, Atkinson, Barton, Berry, J. S. Brice, T. W. Brice, Buist, Connor, Doyle, Ellerbe, Farrow, Fitch, Fraser, Gage, J. L. Glenn, Hamel, D. S. Henderson, Houser, Hutson, Jervey, T. E. Johnson, George Johnstone, Lee, W. J. Montgomery, Nathans, Oliver, Otts, Peake, Ragsdale, Smalls, Jeremiah Smith, R. F. Smith, Smoak, Stackhouse, Stribling, G. D. Tillman, VonKolnitz, Watson, Wells, Whipper, A. H. White, S. E. White, Wigg, Wiggins, and W. B. Wilson.—46.

Those who voted in the negative are:

Nays—Messrs. Aldrich, Alexander, Barry, Bates, Bellinger, Bobo, Bowen, Bowman, Breazeale, Byrd, Cantey, Carver, Clayton, Cooper, Cunningham, DeHay, Dennis, Douglass, Dudley, W. D. Evans, Field, Garris, Gary, S. J. Glenn, Gooding, Graham, Gray, Harris, Harrison, Hay, Haynsworth, Hemphill, William Henderson, Henry, Hiers, Hodges, Howell, Irby, Wilie Jones, Keitt, J. W. Kennedy, Klugh, Lowman, McCalla, McCaslan, McCown, McDermotte, McGowan, McKagen, McMakin, McWhite, Matthews, Meares, Miller, J. D. Montgomery, Moore, Morrison, Nicholson, Parler, Parrott, Patterson, Patton, Perritte, Prince, Redfearn, Rogers, Rosborough, Rowland, Russell, Sheppard, Sloan, A. J. Smith, W. C. Smith, Sprott, Stokes, Sullivan, Talbert, Taylor, B. R. Tillman, Timmerman, Waters, Wharton, Stanyarne Wilson, and Winkler.—84.

Mr. KLUGH moved a substitute for the whole Section as amended.

The proposed substitute was read.

Mr. B. R. TILLMAN raised the point that, it being similar to other rejected matter, it was not admissible.

The CHAIR ruled that the point was well taken.

Mr. KLUGH appealed from the ruling of the Chair.

The Convention sustained the decision of the Chair.

Mr. HEMPHILL moved to amend as follows: Add to the end of the Section, "And the General Assembly shall enact a law making the drinking of intoxicating liquors as a beverage a misdemeanor."

On motion of Mr. D. S. HENDERSON, the amendment was laid on the table.

The Section as amended was adopted.

Mr. D. S. HENDERSON moved to reconsider the vote whereby the Convention had adopted the Section as amended, and to lay that motion on the table; which was agreed to.

At 10:40 P. M., on motion of Mr. D. S. HENDERSON, the Convention adjourned until 10 A. M. to-morrow.

TWENTIETH DAY.

Wednesday, October 2, 1895.

The Convention assembled at 10 A. M.

The Secretary called the roll.

Owing to the illness of the President, Vice President TALBERT took the Chair.

A quorum being present the proceedings were opened with prayer by the Rev. Mr. PARROTT.

The Journal of yesterday's proceedings was read and confirmed.

LEAVES OF ABSENCE.

Mr. NASH asked and obtained indefinite leave of absence for himself on account of official duties.

Mr. BELLINGER asked and obtained indefinite leave of absence for his colleague Mr. Bates on account of sickness.

Mr. COOPER asked and obtained leave of absence for himself and Mr. Parler until Monday night.

Mr. TIMMERMAN asked and obtained indefinite leave of absence for his colleague Mr. Watson on account of sickness.

Mr. KLUGH requested that the following be printed in the Journal, the same being the substitute which he proposed to Section 14 in yesterday's Journal, page 12, and ruled inadmissible by the Chair :

ARTICLE ON MUNICIPAL CORPORATIONS AND POLICE REGULATIONS, SUBSTITUTE PROPOSED BY MR. KLUGH FOR SECTION 14.

Section 14. The sale by retail of alcoholic liquors or beverages within this State is prohibited. The General Assembly may authorize and empower State, County and municipal officers, or any of them, under the authority and in the name of the State, or otherwise, to buy in any market and sell within the State liquors and beverages in such packages and quantities, under such rules and regulations, as it deems expedient: *Provided,* That it shall never be lawful to sell such liquors or beverages between sunset and sunrise, nor in other than in sealed packages of not less one-half pint, nor to be drunk on the premises where sold; nor shall the power to license such sale ever be delegated to any municipal corporation.

RESOLUTION.

Mr. LEE introduced the following resolution, which was considered immediately and agreed to·

Resolved, That it be referred to the Committee on Rules to prepare and report a rule on the subject of the pairing of members upon questions coming before the Convention.

REPORTS OF STANDING COMMITTEES.

Mr. BOWMAN, for the Committee on Engrossed Resolutions and Ordinances, to whom was referred an Article relating to amendment and revision of the Constitution, submitted the following report: "That the same had been correctly engrossed and revised." Ordered to a third reading to-morrow.

Mr. BELLINGER, for the Committee on Jurisprudence, submitted the following report :

A REPORT BY THE COMMITTEE ON JURISPRUDENCE.

To the Constitutional Convention:

The Committee on Jurisprudence respectfully report:

That it has considered a resolution offered by Mr. Estridge, "requiring that all the expenses of the Court of General Sessions for each County be paid by the State," and recommend that the same be referred to the Committee on Finance and Taxation, and that this Committee be discharged from the further consideration of the same.

And further, That it has considered a resolution offered by Mr. Doyle, and report the same unfavorably, and respectfully recommend that the same be not be adopted, as the subject is one properly for legislative consideration alone.

Respectfully submitted.

G. DUNCAN BELLINGER,
Chairman.

COLUMBIA, S. C., October 2, 1895.

Mr. W. D. EVANS stated that the Committee on Finance and Taxation had made a report to the Convention, and moved that the resolution of Mr. Estridge be not referred to that Committee; which was not agreed to.

So the resolution was referred to the Committee on Finance and Taxation.

Mr. DOYLE moved that his resolution be placed on the Calendar; which was agreed to.

The resolution was read the first time and ordered for consideration to-morrow.

RESOLUTION TO LIMIT EXPENSES OF ADMINISTERING ESTATES.

Be it ordained by the people of South Carolina, in convention assembled, That the Constitution now being formed shall contain provisions prohibiting costs and expenses of administering, partitioning, division and settlement of estates ever to exceed ten per cent. of the total value thereof.

Mr. E. J. KENNEDY, for the Committee on Education, submitted the following minority report, which was read the first time and ordered for consideration to-morrow:

MINORITY REPORT OF COMMITTEE ON EDUCATION.

The undersigned member of the Committee on Education begs leave to submit the following minority report. For Section six (6) of the report of the Committee we recommend the substitution of the following as Section 6:

Section 6. The Comptroller General shall levy at each regular session after the adoption of this Constitution an annual tax of three mills on the dollar on all taxable property throughout the State for the support of the public schools, which tax shall be collected at the same time and by the same agents as the general State levy and shall be paid into the State Treasury. There shall also be assessed on all taxable polls in this State, between the ages of twenty-one and sixty years, an annual tax of one dollar on each poll, the proceeds of which shall be applied solely to the support of the public schools. The school tax shall be distributed among the several Counties in this State in proportion to the respective number of pupils enrolled in the public schools, to be disbursed in the several school districts

of said Counties as may be provided by the General Assembly. Any school district may, by the authority of the General Assembly, levy an additional tax for the support of its schools.

For Section fourteen (14) of the report of the Committee, we recommend the substitution of the following:

Section 14. All the net income to be derived to the State from the sale of spirituous, malt, vinous and intoxicating liquors or beverages; all license fees collected under the laws of this State from plays and shows; all waste and unappropriated lands belonging to the State, which terms shall include marsh and tide-water lands, but not the phosphate royalty or phosphate deposits, and all the income to be derived from said lands by leasing them, shall be set apart and be and remain forever a perpetual school fund for the support of the public schools of this State. All funds to be derived from the sale of the aforesaid lands, if the General Assembly should ever deem it advantageous to sell the same, shall be securely invested and the interest derived therefrom alone shall be appropriated.

Respectfully submitted.

E. J. KENNEDY.

Mr. WATSON, for the Committee on Education, submitted the following minority report, which was read the first time and ordered for consideration to-morrow:

MINORITY REPORT OF THE COMMITTEE ON EDUCATION.

We, the undersigned minority of Committee on Education, respectfully submit the following report:

Section 1. The supervision of public instruction shall be vested in a State Superintendent of Education, who shall be elected or appointed in such manner and at such time as the General Assembly shall provide. His powers, duties, term of office and compensation shall be defined by the General Assembly.

Section 2. The General Assembly shall make provision for the election or appointment of all additional necessary school officers, and shall define their qualifications, powers, duties, compensation and terms of office; also for a system of free public schools throughout the State; also for the division of the Counties into suitable school districts; also for the annual levy and collection of a tax of not less than three (3) mills on the dollar on all taxable property; also for the assessment and collection of an annual tax of $1 on each male inhabitant between twenty-one and sixty years of age who is able to perform ordinary manual labor; also for the distribution and expenditure of the free public school fund, to be used exclusively for free public school purposes.

Section 3. The qualified electors of a County shall have the right, by a majority vote, to impose an additional annual tax on the taxable property of the County, to be used exclusively for free public school purposes; and the General Assembly shall make provision for the exercise of such right, and for the levy, collection, distribution and expenditure of such extra tax: *Provided,* That such extra tax shall not exceed four mills on the dollar per annum.

Section 4. The qualified electors of a school district shall have the right, by a majority vote, to impose an additional annual tax on the taxable property of the district, to be used exclusively for free public school purposes; and the General Assembly shall make provision for the exercise of such right, and for the levy, collection, distribution and expenditure of such extra tax: *Provided,* That such extra tax shall not exceed four mills per annum.

Section 5. The General Assembly shall define the penalties, fines and forfeitures to be imposed for the non-payment of the poll tax.

Section 6. The necessary educational institutions for the education of the blind, deaf and dumb, and such benevolent institutions as the public good may require, shall be established and supported by the State, subject to such regulations as may be prescribed by law.

Section 7. No sectarian principles shall be taught in any free public school; nor shall any part of the funds raised for free public school purposes be appropriated to or expended on any school where sectarian principles are taught; nor shall any part of the fund for free public schools be appropriated to or expended for any other purpose than that for which the fund was raised.

Section 9. All devises, grants and donations for educational purposes shall be applied as directed by the donor if not repugnant to the Constitution and laws of this State.

Section 10. The proceeds of all lands that have been or hereafter may be given by the United States to this State for educational purposes and not otherwise appropriated by this State or the United States; of all lands or other property given by individuals without prescribing the application; of estates of deceased persons leaving no will or heir; of all other escheated property; of all waste and unappropriated property, including marsh and tide water lands; of all property accruing to the State by forfeiture; of all fines, penalties, licenses and estrays, shall enure to and become a part of the free public school fund. All such proceeds and receipts of every kind shall be faithfully distributed and expended, in such manner as the General Assembly shall direct, in establishing and maintaining the free public schools of the State, and for no other uses or purposes whatsoever: *Provided,* That such proceeds and receipts, or any part thereof, may be invested as a permanent school fund, and that any of the above described property may be held by the State and only the annual income therefrom be used for free public school purposes.

R. B. WATSON,
E. H. HOUSER.

Mr. MITCHELL, for the Committee on Education, submitted the following report, which was read the first time and ordered for consideration to-morrow:

REPORT OF THE COMMITTEE ON EDUCATION.

To the Constitutional Convention of South Carolina:

Your Committee on Education begs leave to submit herewith an Article on education. We have had referred to us the following resolutions:

No. 1. By Mr. Buist, Journal, 4th day, page 4.

No. 2. By Mr. Buist, Journal, 4th day, page 7.
No. 3. By Mr. W. C. Smith, Journal, 4th day, page 7.
No. 4. By Mr. Haynesworth (by request), Journal, 5th day, page 8.
No. 5. By Mr. Parrott, Journal, 5th day, page 10.
No. 6. By Mr. Derham, Journal, 5th day, page 12.
No. 7. By Mr. J. L. Glenn, Journal, 7th day, page 4.
No. 8. By Mr. Lybrand, Journal, 7th day, page 6.
No. 9. By Mr. Anderson, Journal, 7th day, page 13.
No. 10. By Mr. Buist, Journal, 7th day, page 14.
No. 11. By Mr. McWhite, Journal, 7th day, page 14.
No. 12. By Mr. Aldrich, Journal, 8th day, page 20.
No. 13. By Mr. A. H. White, Journal, 8th day, page 21.
No. 14. By Mr. W. J. Montgomery, Journal, 9th day, page 11.
No. 15. By Mr. T. E. Johnson, Journal, 9th day, pages 13, 14.
No. 16. By Mr. Glenn, Journal, 9th day, page 19.
No. 17. By Mr. Sullivan, Journal, 9th day, page 12.
No. 18. By Mr. Anderson, Journal, 10th day, page 2.
No. 19. By Mr. Patterson, Journal, 12th day, page 4.
No. 20. By Mr. Burn, Journal, 12th day, pages 6 and 7.
No. 21. By Mr. Austin, Journal, 12th day, pages 7 and 8.
No. 22. By Mr. E. J. Kennedy, Journal, 12th day, page 7.
No. 23. By Mr. McWhite, Journal, 12th day, page 8.
No. 24. By Mr. Miller, Journal, 12th day, page 8.
No. 25. By Mr. W. J. Montgomery, Journal, 12th day, page 8.

All of which have been carefully considered and are herewith returned to the Convention.

JULIAN MITCHELL, Chairman.

ARTICLE ——.

Education.

Section 1. The supervision of public instruction shall be vested in a State Superintendent of Education, who shall be elected for the term of four years, by the qualified electors of the State, in such manner and at such time as the other State officers are elected; his powers, duties and compensation shall be defined by the General Assembly.

Section 2. There shall be elected every four years in each County, by the qualified electors thereof, one School Commissioner, whose qualifications, powers, duties and compensation shall be determined by the General Assembly.

Section 3. The salaries of the State Superintendent of Education and School Commissioners, and compensation of County Treasurers for collecting and disbursing school moneys, shall not be paid out of the school funds, but shall be otherwise provided for by the General Assembly.

Section 4. There shall be a State Board of Education composed of the Governor, the State Superintendent of Education, the heads of the faculties of the branches of the State University and the President of Clemson Agricultural College, and such other persons as may be added by the General Assembly, who shall serve without compensation, but whose traveling ex-

penses incurred in the performance of their duties shall be paid, of which Board the Governor shall be Chairman, and the State Superintendent of Education Secretary. This Board shall have the regulation of examinations of teachers applying for certificates of qualifications, and shall award all scholarships, and have such other powers and duties as may be determined by law.

Section 5. The General Assembly shall provide for a liberal system of free public schools for all children between the ages of six and twenty-one years, not mentally disabled, and for the division of the Counties into suitable school districts, the present division and the provisions of law now governing the same to remain until changed by the General Assembly.

Section 6. The existing County Boards of Commissioners of the several Counties, or such officer or officers as may hereafter be vested with the same or similar powers and duties, shall levy an annual tax of three mills on the dollar upon all the taxable property in their respective Counties; which tax shall be collected at the same time and by the same officers as the other taxes for the same year and shall be held in the County treasury of the respective Counties, and the County School Commissioner shall apportion the said fund among the school districts of his County in proportion to the respective number of pupils enrolled in the public schools and notify the Trustees of the respective school districts thereof, who shall disburse the same by their warrant on the County Treasurer, to be approved by the County School Commissioner.

Three Trustees for each school district shall be selected in such manner and for such terms as the General Assembly may determine.

There shall be assessed on all taxable polls in the State between the ages of twenty-one and sixty years an annual tax of one dollar on each poll, the proceeds of which tax shall be expended for school purposes in the several school districts in which it is collected. Whenever during the three next ensuing fiscal years the tax levied by the said County Board of Commissioners, or similar officers, shall not yield an amount equal to three dollars per capita of the number of children enrolled in the public schools of each County for the scholastic year ending 31st of October, 1894, as it appears in the Report of the State Superintendent of Education for said scholastic year, the Comptroller General shall for the aforesaid three next ensuing fiscal years levy an annual tax on the taxable property of the State sufficient to make up such deficiency, and apportion same among the Counties of the State in proportion to the respective deficiencies therein: the sum so apportioned shall be paid by the State Treasurer to the County Treasurers of the respective Counties on the warrant of the Comptroller General, and shall be apportioned among the school districts of the Counties, and disbursed as other school funds.

And from and after the 1st day of November, A. D. 1898, the General Assembly shall cause to be levied annually on all the taxable property of the State such a tax, in addition to the said tax levied by the said County Board of Commissioners, or similar officers, and poll tax above provided, as may be necessary to keep the schools open throughout the State for such length of time in each scholastic year as the General Assembly may prescribe; and said tax shall be apportioned and disbursed as the additional tax for the three next ensuing fiscal years is required to be.

Any school district may, by the authority of the General Assembly, levy an additional tax for the support of its schools.

Section 7. Separate schools shall be provided for children of the white and colored races.

Section 8. The General Assembly shall provide for the maintenance of Clemson Agricultural College and the State University, and may create scholarships therein. The proceeds realized from the land scrip given by the Act of Congress, passed July 2, 1862, for the support of an agricultural college, and any lands or funds which have heretofore been or may hereafter be given or appropriated for educational purposes, shall be applied as directed in the Acts appropriating the same.

Section 9. Neither the State nor any subdivision thereof, in which term are included cities and towns, shall use its property or credit, or any public money, or authorize or permit either to be used, directly or indirectly, in aid or maintenance of any school or institution of learning, or any charitable or other institution, of whatever kind, where instruction is given which is wholly or in part under the direction or control of any church or of any religious or sectarian society or organization.

Section 10. All gifts, of every kind, for educational purposes, if accepted by the General Assembly, shall be applied and used for the purposes designated by the giver, unless the same be in conflict with the provisions of this Constitution.

Section 11. All gifts to the State where the purpose is not designated, all escheated property, and other money coming into the Treasury of the State by reason of the twelfth Section of an Act entitled "An Act to provide a mode of distribution of the moneys as direct tax from the citizens of this State by the United States in trust to the State of South Carolina," approved December 24, 1891, together with such other means as the General Assembly may provide, shall be securely invested as the State school fund, and the annual income thereof shall be apportioned by the General Assembly for the purpose of maintaining the public schools.

Section 12. All profits realized by the State from the sale or license for the sale of alcoholic liquors or beverages, not including so much thereof as is now or may hereafter be allowed by law to go to the Counties and municipal corporations of the State, shall be devoted to public school purposes, which fund shall be apportioned by the Comptroller General among the Counties of the State in proportion to the number of children enrolled in the public schools and apportioned and disbursed in said Counties as school taxes.

Section 13. Educational institutions for the benefit of the deaf, dumb and blind and such other benevolent institutions as the public good may require shall be established and supported by the State, subject to such regulations as may be prescribed by law.

Section 14. Provision shall be made, when deemed practicable, by the General Assembly for the establishment and maintenance of a State reform school for juvenile offenders.

UNFINISHED BUSINESS.

Mr. D. S. HENDERSON moved that unfinished business be passed for the present, and that No. 31, report of the Committee on Muni-

cipal Corporations and Police Regulations, as to ordinance of Mr. Farrow concerning cities and towns situated in two Counties, be taken up ; which was agreed to.

Section 1 was adopted as reported by the Committee.

After debate, participated in by Messrs. J. L. Glenn, Howell, Farrow, Stokes, Otts, Morrison and Mitchell,

Mr. HOWELL moved to strike out Section 2; which was agreed to.

Section 1 was adopted and ordered engrossed for a third reading tomorrow.

The Convention resumed the consideration of unfinished business.

Section 1, Calendar No. 9, Article proposed by Committee on Municipal Corporations and Police Regulations.

Mr. B. R. TILLMAN asked and obtained permission to withdraw his proposed amendment printed in the Journal of Friday, September 27, page 8.

Section 1 was adopted as amended.

Section 2. Mr. W. B. WILSON offered the following as a substitute for Section 2:

Section 2. Provision shall be made by the Legislature for the incorporation of all towns of more than one thousand inhabitants, but towns of less than one thousand inhabitants shall not be organized without the consent of the majority of the electors residing and entitled by law to vote within the district proposed to be incorporated; such consent to be ascertained in the manner and under such regulations as may be prescribed by law.

Mr. STOKES moved to amend the substitute by striking out "one thousand" and inserting "five hundred" in lieu thereof.

After debate by Messrs. B. R. Tillman, W. B. Wilson, Prince, Clayton, Burn, Gage, Stanyarne Wilson, Haynsworth, G. D. Tillman, McGowan, George Johnstone and D. S. Henderson,

Mr. G. D. TILLMAN moved to lay the substitute on the table.

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows ;

Yeas, 93 ; nays, 44.

Those who voted in the affirmative are :

Yeas—Messrs. Aldrich, Ashe, Atkinson, Austin, Barker, Barton, Bates, Behre, Bellinger, Berry, Bowen, Bowman, Breazeale, J. S. Brice, T. W. Brice, Buist, Byrd, Clayton, Cooper, DeHay, Dennis, Dent, Douglass, Doyle, Ellerbe, W. D. Evans, Farrow, Field, Fitch, Fraser, Gamble, Garris, Gilland, J. L. Glenn, J. P. Glenn, Graham,

Gray, Harris, Hay, Haynsworth, Hemphill, D. S. Henderson, Hiers, Howell, Hutson, Jervey, George Johnstone, Wilie Jones, Keitt, E. J. Kennedy, J. W. Kennedy, Klugh, Lee, McDermotte, McGowan, McKagen, McMakin, McWhite, Matthews, Meares, Mitchell, W. J. Montgomery, Nathans, Nicholson, Oliver, Patton, Peake, Prince, Ragsdale, J. H. Read, Redfearn, Rogers, Russell, Sheppard, Sloan, Smalls, Jeremiah Smith, R. F. Smith, W. C. Smith, Smoak, Stackhouse, Stribling, Sullivan, Taylor, G. D. Tillman, Timmerman, VonKolnitz, Wells, Whipper, A. H. White, S. E. White, Wigg, and Wiggins.—93.

Those who voted in the negative are:

Nays—Messrs. Alexander, Barry, Bobo, Burn, Cantey, Carver, Connor, Cunningham, Dudley, Floyd, Gage, Gary, Gooding, Gunter, Hamel, Harrison, Wm. Henderson, Henry, Hodges, Houser, Irby, T. E. Johnson, Lowman, McCalla, McCaslan, McCown, J. D. Montgomery, Moore, Morrison, Otts, Parrott, Patterson, Rosborough, Rowland, A. J. Smith, Sprott, Stokes, Talbert, B. R. Tillman, Waters, Wharton, Stanyarne Wilson, W. B. Wilson, and Woodward.—44.

Mr. D. S. HENDERSON moved to reconsider the vote whereby the Convention agreed to lay on the table the substitute, and to lay that motion on the table; which was agreed to.

Mr. W. B. WILSON moved to strike out Section 2 and the report thereon of the Committee.

The question being put, the Convention refused to strike out.

Mr. BELLINGER moved to lay on the table the report of the Committee proposing an amendment to the Section; which was agreed to.

Mr. STANYARNE WILSON moved to amend Section 2 by inserting after the word "town," on line 1, the following: "except manufacturing towns."

The question being put: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 59; nays, 72.

Those who voted in the affirmative are:

Yeas—Messrs. Alexander, Barry, Bobo, Bowen, Bowman, Burn, Cantey, Carver, Connor, Coopér, Cunningham, DeHay, Douglass, W. D. Evans, Field, Floyd, Garris, Gary, Gooding, Gunter, Hamel, Harrison, Wm. Henderson, Henry, Hodges, Houser, Irby, T. E. Johnson, Wilie Jones, Keitt, E. J. Kennedy, J. W. Kennedy, Lowman, McCalla, McCaslan, McCown, McDermotte, McMakin, Mc-

White, Morrison, Otts, Parler, Parrott, Perritte, Redfearn, Rosborough, Rowland, Sligh, A. J. Smith, Sprott, Stokes, Talbert, Taylor‘ B. R. Tillman, Waters, Stanyarne Wilson, W. B. Wilson, and Woodward.—59.

Those who voted in the negative are :

Nays—Messrs. Aldrich, Anderson, Ashe, Atkinson, Austin, Barker, Barton, Bellinger, Berry, Breazeale, J. S. Brice, T. W. Brice, Buist, Byrd, Clayton, Dennis, Dent, Dudley, Ellerbe, Farrow, Fitch, Fraser, Gage, Gamble, Gilland, J. L. Glenn, J. P. Glenn, Graham, Gray, Harris, Hay, Haynsworth, Hemphill, D. S. Henderson, Hiers, Howell, Hutson, Jervey, George Johnstone, Klugh, Lee, McKagen, Matthews, Mears, Mitchell, W. J. Montgomery, Moore, Nathans, Nicholson, Patton, Peake, Prince, Ragsdale, J. H. Read, Rogers, Russell, Sheppard, Sloan, Smalls, Jeremiah Smith, R. F. Smith, Smoak, Stackhouse, Stribling, Sullivan, G. D. Tillman, VonKolnitz, Wells, Wharton, Whipper, A. H. White, S. E. White, and Wiggins.—73.

Section 2 was adopted as reported by the Committee.

Section 7. Mr. D. S. HENDERSON moved to strike out Section 7 ; which was agreed to.

Mr. D. S. HENDERSON moved to strike out Sections 16, 17, 18 ; which was agreed to.

Calendar No. 9, Articles proposed by Committee on Municipal Corporations and Police Regulations, was adopted as amended. Having received a second reading was ordered engrossed for a third reading to-morrow.

On motion of Mr. ROGERS, the Convention, at 1.50 P. M., receded from business until 8 P. M. this day.

RECESS.

Vice President TALBERT resumed the chair at 8 P. M.

UNFINISHED BUSINESS.

The Convention proceeded to the consideration of

Calendar No. 10, report of the Legislative Committee.

The pending question being the motion of Mr. Gray to strike out the word “three” before the word “dollars” and insert in lieu thereof the word “four.”

After debate, participated in by Messrs. W. J. Montgomery, Sligh, Gray, Burn, W. D. Evans and Barton,

Mr. W. D. EVANS offered the following amendment: On line 2, Section 20, after "receive" insert the words "not less than."

Also, add to the end of the Section "*Provided,* That the per diem and mileage of the members of the General Assembly shall not be increased during their term of office."

Mr. SLIGH moved to lay the amendments on the table.

The question being put, the Convention refused to lay the amendments on the table.

The amendments were adopted.

Mr. BELLINGER moved to strike out the Section as amended; which was agreed to.

Mr. BELLINGER moved to reconsider the vote whereby the Convention agreed to strike out the Section as amended, and to lay that motion on the table; which was agreed to.

Sections 21, 22, 23 and 24 were adopted as reported by the Committee.

Section 25. Mr. RAGSDALE moved to amend line 4, after the word "militia," by inserting the words "and Notaries Public;" which was agreed to.

Mr. GEORGE JOHNSTONE moved to amend by striking out after the words "Notaries Public" the words "Magistrates or Justices of inferior Courts while such Justices receive no salary;" which was agreed to.

Mr. SHEPPARD moved to recur to Section 8; which was agreed to.

Mr. SHEPPARD moved to add the following to Section 8: "Senators shall be so classified that one-half of their number, as nearly as practicable, shall be chosen every two years. Whenever the General Assembly shall establish more than one County at any session, it shall so prescribe the first term of the Senators from such Counties as to observe such classification;" which was agreed to.

The Section as amended was adopted.

Section 27. Mr. W. B. WILSON offered the following: to amend by striking out all of said Section after the words "United States" on line 9.

After debate by Messrs. Hutson, Henderson and Clayton,

Mr. MEARES offered the following: Strike out all after the 9th line down to "so help me God."

Mr. WILSON accepted the amendment.

The question being put: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 59; nays, 77.

Those who voted in the affirmative are:

Yeas—Messrs. Aldrich, Barker, Barry, Barton, Behre, Berry, T. W. Brice, Carver, Clayton, Cunningham, Ellerbe, W. D. Evans, Farrow, Fitch, Floyd, Gary, Gilland, Gooding, Graham, Gray, Harrison, Haynsworth, Henry, Hutson, Irby, Jervey, Wilie Jones, Lee, McCalla, McCaslan, McCown, McDermotte, McGowan, McMakin, Matthews, Meares, W. J. Montgomery, Parrott, Patton, Prince, Ragsdale, J. H. Read, I. R. Reed, Rogers, Sheppard, Sloan, Smalls, A. J. Smith, Jeremiah Smith, W. C. Smith, Sullivan, B. R. Tillman, G. D. Tillman, VonKolnitz, Wharton, S. E. White, Stanyarne Wilson, and W. B. Wilson.—59.

Those who voted in the negative are:

Nays—Messrs. Alexander, Austin, Bellinger, Bobo, Bowen, Bowman, Breazeale, J. S. Brice, Buist, Burn, Byrd, Cantey, Clayton, Connor, Dennis, Douglass, Doyle, Dudley, Efird, Field, Fraser, Gage, Garris, J. L. Glenn, J. P. Glenn, Gunter, Hamel, Harris, Hay, Hemphill, D. S. Henderson, Wm. Henderson, Hiers, Houser, Howell, T. E. Johnson, George Johnstone, Keitt, E. J. Kennedy, J. W. Kennedy, Klugh, Lowman, McKagen, McWhite, Miller, Mitchell, J. D. Montgomery, Moore, Morrison, Mower, Nathans, Nicholson, Otts, Patterson, Peake, Perritte, Redfearn, Rosborough, Rowland, Russell, Sligh, R. F. Smith, Smoak, Sprott, Stackhouse, Stokes, Stribling, Talbert, Taylor, Timmerman, Waters, Wells, Whipper, A. H. White, Wigg, and Woodward.—77.

Mr. COOPER moved to reconsider the vote whereby the Convention had refused to agree to the amendment proposed by Mr. Meares, and to lay that motion on the table; which was agreed to.

Mr. BYRD moved to amend line 13 by adding after the word "otherwise" the words "that this shall not apply to members of the General Assembly or any State officer."

After debate, participated in by Messrs. Byrd, Burns and Sligh,

Mr. SLIGH moved to lay the amendment on the table; which was agreed to.

Mr. WIGG moved to amend line 4 by adding after the word "oath" the words "and no other."

The question being put, the Convention refused to adopt the amendment.

Mr. D. S. HENDERSON moved to amend line 10 by filling the blank as follows: "First day of January, 1881;" which was agreed to.

Mr. JERVEY moved to amend line 10 by striking out after the word "affirm" down to and including the word "and" on the eleventh line.

Mr. D. S. HENDERSON moved to lay the amendment on the table; which was agreed to by a rising vote—yeas 67, nays 60.

Mr. WIGG moved to amend line 13 by adding after the word "otherwise" the words "or a lynching bee."

Mr. D. S. HENDERSON moved to lay the amendment on the table; which was agreed to.

Mr. STANYARNE WILSON moved to amend lines 11 and 12 by inserting after the word "duel" the words "in this State."

Mr. SLIGH moved to lay the motion on the table.

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows:

Yeas, 85; nays, 52.

Those who voted in the affirmative are:

Yeas—Messrs. Alexander, Austin, Bellinger, Berry, Bobo, Bowen, Bowman, Breazeale, J. S. Brice, T. W. Brice, Buist, Burn, Cantey, Connor, Cooper, Dennis, Doyle, Dudley, Efird, Field, Fraser, Gage, Garris, Gilland, J. L. Glenn, Gooding, Gunter, Hamel, Harrison, Hay, Hemphill, D. S. Henderson, Wm. Henderson, Hiers, Houser, Howell, Hutson, T. E. Johnson, George Johnstone, Keitt, E. J. Kennedy, J. W. Kennedy, Klugh, Lowman, McCaslan, McDermotte, McKagen, McMakin, McWhite, Matthews, Meares, Miller, Mitchell, J. D. Montgomery, W. J. Montgomery, Moore, Morrison, Mower, Nathans, Otts, Patterson, Peake, Perritte, Ragsdale, Redfearn, Rowland, Russell, Sligh, Jeremiah Smith, R. F. Smith, Smoak, Sprott, Stackhouse, Stokes, Stribling, Sullivan, Talbert, Taylor, Timmerman, Waters, Wells, Whipper, A. H. White, Wiggins, and Woodward.—85.

Those who voted in the negative are:

Nays—Messrs. Aldrich, Barker, Barry, Barton, Behre, Byrd, Carver, Clayton, Cunningham, DeHay, Douglass, Ellerbe, W. D. Evans, Farrow, Fitch, Floyd, Gamble, Gary, J. P. Glenn, Graham, Gray, Harris, Haynsworth, Henry, Irby, Jervey, Wilie Jones, Lee, McCalla, McCown, McGowan, Nicholson, Parrott, Patton, Prince, J. H. Read, I. R. Reed, Rogers, Rosborough, Sheppard, Sloan, Smalls, A. J. Smith, W. C. Smith, B. R. Tillman, G. D. Tillman, VonKolnitz, Wharton, S. E. White, Wigg, Stanyarne Wilson, and W. B. Wilson.—52.

Section 27 as amended was adopted.

Mr. D. S. HENDERSON moved to reconsider the vote whereby the Convention had adopted Section 27 as amended, and to lay that motion on the table ; which was agreed to.

Section 28 was adopted as reported by the Committee.

Sectiou 29. Mr. SHEPPARD moved that further consideration of this Section be postponed until to-morrow, and that all the proposed amendments be printed in the Journal ; which was agreed to.

AMENDMENTS OFFERED TO SECTION 29.

By Mr. FRASER—

On line 7, after the word "dollars," insert: "The title to the homestead to be set off and assigned shall be forever discharged from all debts of said debtor then existing or thereafter contracted.

By Mr. ————

Section 29, line 5, add the word "to" between the words "and every."

By Mr. J. L. GLENN—

Mr. J. L. Glenn moves to amend Section 29 by striking out lines 20, 21 and 22 of the printed Article.

By Mr. FARROW—

Amend Section 29 by striking out all of the proviso commencing on line 18.

By Mr. B. R. TILLMAN—

Strike out on line 19 all after the word "homestead" down to "after."
On line 20 insert "and" before "after."
On line 20 strike out "mortgaged."

By Mr. PRINCE—

Amend Section 29 of Report of Legislative Committee in the following particulars :

1st. Strike out all after the word "State" on third line down to and including the word "dollars" on seventh line of printed Bill, and insert in lieu thereof the following: "Except as hereinafter excepted, property, real or personal, or both, of value in the aggregate of one thousand dollars, for a family homestead."

2nd. Strike out all after the word "to" on 10th line of printed Bill down to and including the word "jointly" on 13th line, and insert in lieu thereof the following: "Such exemption of her property as may be sufficient to make out her husband's homestead, but in no event shall there be an exemption to the husband and wife jointly of property to the value of more than one thousand dollars."

3d. Amend Section 29 as follows: Strike out all after the word "further" on line 18, and insert in lieu thereof "Section 2 of resolution printed on page 20 of Journal of fourth day."

By Mr. HOWELL—

Amend by striking out all after the word "debt" on line 19.

By Mr. W. J. MONTGOMERY—

On line 21, after the word "mortgaged," insert semicolon; then, before the word "sold" insert the words "and if;" and on same line after the word "conveyed" strike out the word "except" and insert "it shall be done."

By Mr. MEARES—

On line 5, between the words "and" and "every," insert the word "to"; so that it may read "and to every head of a family, &c."

By Mr. RAGSDALE—

Strike out all after the word "debt" on the 19th line of Section 29.

After the word debt on line 19, Section 29, add the following: "and no judgment creditor or other creditor whose lien does not bind the homestead shall have any right or equity to require a mortgage which embraces the homestead and other property to first exhaust the homestead."

By Mr. W. B. WILSON—

Amend Section 29 by striking out all after the words "except by" on line 21, and insert the following: "the joint deed of the husband and wife, if both be living."

Section 30 was adopted as reported by the Committee.

Section 31 was adopted as reported by the Committee.

Section 32. Mr. GARY moved to amend by striking out the word "all," in line 1; which was agreed to.

Mr. BUIST moved to amend by adding to the end of the Section the following: "Nor to interfere with the discretion of the General

Assembly in confirming the title to lands claimed to belong to the State, but used or possessed by other parties under an adverse claim;" which was agreed to.

Section 33. Mr. GEORGE JOHNSTONE moved to add to the end of the Section the words "Nor shall it grant pensions except for military service;" which was agreed to.

Section 34. Mr. GEORGE JOHNSTONE moved to amend line 2 by striking out "one-eighth or more of" and insert the word "any;" which was agreed to.

Mr. SMALLS moved to amend as follows: by adding after the word "void" on the second line the words "and that any white person who lives and cohabits with a negro, or mulatto, or person who shall have one-eighth or more of negro blood shall be disqualified from holding any office of emolument or trust in this State, and the offspring of any such living or cohabitation shall bear the name of the father, and shall be entitled to inherit and acquire property the same as if they were legitimate."

Mr. COOPER moved to amend the amendment by striking out all after the words "in this State."

Mr. W. D. EVANS moved to lay on the table the amendment and the amendment to the amendment; which was agreed to.

Mr. B. R. TILLMAN moved to reconsider the vote by which the amendment had been tabled; which was agreed to.

Mr. COOPER then renewed his amendment.

After debate, participated in by Messrs. Smalls, B. R. Tillman, Prince, Lee and Miller, it was moved to lay the amendment on the table.

The question being put: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 22; nays, 103.

Those who voted in the affirmative are:

Yeas—Messrs. Aldrich, Bowen, J. S. Brice, Buist, Carver, Gilland, Henry, Jervey, George Johnstone, McCalla, McGowan, Meares, Miller, J. D. Montgomery, Mower, Nathans, I. R. Reed, Sloan, Smalls, Whipper, A. H. White, and Wigg.—22.

Those who voted in the negative are:

Nays—Messrs. Austin, Barker, Barry, Bellinger, Berry, Bobo, Bowman, Breazeale, T. W. Brice, Burn, Byrd, Cantey, Clayton, Connor, Cooper, Cunningham, DeHay, Dennis, Douglass, Dudley, Efird, Ellerbe, W. D. Evans, Farrow, Field, Fitch, Fraser, Gage, Gamble, Garris, Gary, J. L. Glenn, J. P. Glenn, Gooding, Graham, Gray, Hamel, Harris, Harrison, Hay, Haynsworth, Hemphill, D. S. Hender-

son, Wm. Henderson, Hiers, Houser, Howell, Hutson, Irby, T. E. Johnson, Wilie Jones, Keitt, E. J. Kennedy, J. W. Kennedy, Klugh, Lee, Lowman, McCaslan, McDermotte, McKagen, McMakin, McWhite, Matthews, Mitchell, W. J. Montgomery, Moore, Morrison, Nash, Otts, Patterson, Patton, Peake, Perritte, Prince, Ragsdale, J. H. Read, Redfearn, Rogers, Rosborough, Rowland, Russell, Sheppard, Sligh, A. J. Smith, Jeremiah Smith, R. F. Smith, Smoak, Sprott, Stackhouse, Stokes, Sullivan, Talbert, B. R. Tillman, G. D. Tillman, Timmerman, Waters, Wells, Wharton, S. E. White, Wiggins, Stanyarne Wilson, W. B. Wilson, and Woodward.—103.

The pending question being the amendment of Mr. Cooper, Mr. Smalls having the floor,

On motion of Mr. D. S. HENDERSON, the Convention, at 11 P. M., adjourned until 10 A. M. to-morrow.

TWENTY-FIRST DAY.

Thursday, October 3, 1895.

The Convention assembled at 10 o'clock A. M.

The Secretary called the roll.

Owing to the illness of the President, Vice President TALBERT took the chair.

A quorum being present, the proceedings were opened with prayer by the Rev. Mr. PARROTT.

The Journal of yesterday's proceedings was read and confirmed.

LEAVES OF ABSENCE.

Mr. HEMPHILL asked, and obtained indefinite leave of absence for himself on account of sickness in his family.

Mr. RAGSDALE asked and obtained leave of absence for Mr. T. W. Brice until Monday.

Mr. BEHRE asked and obtained indefinite leave of absence for Mr. Garris.

Mr. FITCH asked and obtained leave of absence for Mr. Nathans until Monday next.

Mr. CANTEY asked and obtained leave of absence for himself until Wednesday next.

Mr. WHARTON asked and obtained leave of absence for himself until Tuesday next.

RESOLUTIONS.

Mr. SHEPPARD, for the Committee on Rules, submitted the following, which was considered immediately and agreed to:

REPORT OF COMMITTEE ON RULES.

To the President and Members of the Convention:

The Committee on Rules respectfully report the accompanying resolution and recommend its adoption.

J. C. SHEPPARD.
J. E. BREAZEALE.
C. W. GARRIS.

Resolved, That members may "pair" upon any questions before the Convention; in such case, the member present shall state how he would have voted if the other party to the pair had been present.

Mr. BUIST introduced the following:

Resolved, That the Committee on Rules prepare a rule or rules limiting debate, and report the same to this Convention at the night session.

On motion of Mr. SHEPPARD, the resolution was laid on the table.

REPORTS OF STANDING COMMITTEES.

Mr. W. J. MONTGOMERY, for the Committee on Engrossed Resolutions and Ordinances, to whom was referred an Article relating to Miscellaneous Matters, reported that the Article had been correctly engrossed and revised. Ordered for a third reading to-morrow.

GENERAL ORDERS.

Mr. PATTERSON moved to take up out of its order Calendar No. 35; which was agreed to.

Resolved, That speeches be limited to ten minutes on all subjects except the suffrage question.

Mr. PATTERSON moved to amend as follows:

Resolved, That speeches be limited to ten minutes on all subjects except when the Convention consents.

Mr. WIGG moved to amend the amendment as follows: "except on the suffrage question."

On motion of Mr. PATTERSON, the amendment was laid on the table.

Mr. VON KOLNITZ offered the following as a substitute for the original and the amendment:

Resolved, That debate be limited to thirty minutes to each delegate.

On motion of Mr. PATTERSON, the proposed substitute was laid on the table.

Mr. McCOWN moved to amend the amendment by adding after "consent" "*Provided*, Each member may dispose of his time of ten minutes as he desires."

On motion of Mr. STANYARNE WILSON, the proposed amendment was laid on the table.

After debate by Messrs. Patterson, W. J. Montgomery, Sheppard, Wigg, Ellerbe, George Johnstone, Wharton, Stanyarne Wilson, Mitchell, W. D. Evans, Stribling, Alexander, McCown, Sligh, Von-Kolnitz, G. D. Tillman and Sheppard,

The question being put: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 58; nays, 73.

Those who voted in the affirmative are:

Yeas—Messrs. Aldrich, Alexander, Austin, Barry, Barton, Behre, Bobo, Bowman, Breazeale, T. W. Brice, Burn, Cantey, Carver, Cooper, Cunningham, DeHay, Dennis, Dent, Douglass, Doyle, Gary, J. P. Glenn, Gunter, Harris, Wm. Henderson, Hiers, Houser, Wilie Jones, J. W. Kennedy, Lowman, McCalla, McMakin, McWhite, Moore, Morrison, Nathans, Otts, Patterson, J. H. Read, Rosborough, Rowland, Russell, W. C. Smith, Smoak, Sprott, Stokes, Stribling, Sullivan, Talbert, Taylor, Timmerman, Waters, Wells, Wharton, A. H. White, S. E. White, Stanyarne Wilson, and Woodward.—58.

Those who voted in the negative are:

Nays—Messrs. Barker, Berry, Bowen, J. S. Brice, Buist, Byrd, Clayton, Connor, Dudley, Efird, Ellerbe, W. D. Evans, Farrow, Field, Fitch, Floyd, Fraser, Gage, Gamble, Garris, Gilland, J. L. Glenn, Gooding, Graham, Gray, Hamel, Hay, Haynsworth, D. S. Henderson, Henry, Howell, Hutson, Irby, Jervey, George Johnstone, Keitt, E. J. Kennedy, Lee, McCaslan, McCown, McDermotte, McGowan, McKagen, Meares, Miller, Mitchell, J. D. Montgomery, W. J. Montgomery,

Mower, Nash, Nicholson, Peake, Perritte, Prince, Ragsdale, Redfearn, Sheppard, Sligh, Sloan, Smalls, A. J. Smith, Jeremiah Smith, R. F. Smith, Stackhouse, B. R. Tillman, G. D. Tillman, VonKolnitz, Whipper, Wigg, Wiggins, and W. B. Wilson.—73.

Mr. GARY moved to take up Calendar No. 26, report of a part of the Committee on Counties and County Government; also No. 29, report of the Committee on Counties and County Government; which was agreed to.

Mr. GARY moved that Nos. 26 and 29 be made special orders for 12 M. Wednesday next; which was agreed to.

UNFINISHED BUSINESS.

The Convention resumed the consideration of Calendar No. 10, Report of the Legislative Committee.

Mr. SLIGH asked and obtained unanimous consent to introduce the following as Section 20 in lieu of Section 20, which was stricken out yesterday; which was agreed to:

Section 20. Each member of the General Assembly shall receive five cents for every mile for the ordinary route of travel in going to and returning from the place where the sessions of the Legislature are held, and no General Assembly shall have the power to increase the per diem of its own members, and members of the General Assembly when convened in extra session shall receive the same compensation as is fixed by law for the regular session and no other.

The Section was adopted as proposed.

The pending question being the amendment proposed by Mr. Cooper to the amendment proposed by Mr. Smalls to Section 34.

Mr. ALDRICH moved to strike out the entire Section and to indefinitely postpone all amendments proposed thereto.

On motion of Mr. G. D. TILLMAN, the motion to strike out was laid on the table.

On motion of Mr. G. D. TILLMAN, Mr. Cooper's amendment to the amendment and Mr. Smalls's amendment to the Section were laid on the table.

Mr. D. S. HENDERSON moved to add the following to the end of Section 34:

Nothing in this Section contained shall be construed to invalidate any such marriage heretofore legally entered into, or affect the offspring thereof, or the future marriage of any such offspring with white persons.

On motion of Mr. BARKER, the amendment was laid on the table.

Mr. B. R. TILLMAN moved to amend by adding the following to the end of the Section :

And the parties to such marriage, upon conviction, shall be punished as the General Assembly may prescribe.

After debate by Messrs. Aldrich, Wigg, Johnstone, B. R. Tillman, Sligh, G. D. Tillman, Smalls, Barker, Fitch, Prince, and D. S. Henderson,

Mr. GEORGE JOHNSTONE moved to lay on the table the amendment proposed by Mr. B. R. Tillman and all other amendments relating to the Section.

The question being put : "Will the Convention agree thereto ?" it was decided in the negative.

The yeas and nays were requested, and are as follows :

Yeas, 33 ; nays, 93.

Those who voted in the affirmative are :

Yeas—Messrs. Aldrich, Barker, Behre, J. S. Brice, Cunningham, Douglass, W. D. Evans, Farrow, Fraser, Gage, Gamble, Garris, Gary, Gilland, J. L. Glenn, Gray, Jervey, George Johnstone, E. J. Kennedy, Klugh, Lee, Meares, Peake, Ragsdale, J. H. Read, Redfearn, Sligh, Stribling, Taylor, G. D. Tillman, A. H. White, S. E. White, and W. B. Wilson.—33.

Those who voted in the negative are :

Nays—Messrs. Alexander, Austin, Barry, Barton, Bobo, Bowen, Bowman, Breazeale, T. W. Brice, Buist, Burn, Byrd, Cantey, Carver, Clayton, Connor, Cooper, DeHay, Dennis, Dent, Doyle, Dudley, Efird, Ellerbe, Field, Fitch, J. P. Glenn, Gooding, Graham, Gunter, Hamel, Harris, Harrison, Haynsworth, D. S. Henderson, Wm. Henderson, Henry, Hiers, Houser, Howell, Hutson, Irby, T. E. Johnson, Wilie Jones, Keitt, J. W. Kennedy, Lowman, McCalla, McCaslan, McCown, McDermotte, McKagen, McMakin, McWhite, Miller, Mitchell, J. D. Montgomery, W. J. Montgomery, Moore, Morrison, Nash, Nicholson, Oliver, Otts, Parrott, Patterson, Perritte, Prince, I. R. Reed, Rogers, Rosborough, Rowland, Russell, Sheppard, Sloan, Smalls, A. J. Smith, Jeremiah Smith, R. F. Smith, Smoak, Stackhouse, Stokes, Talbert, B. R. Tillman, Timmerman, VonKolnitz, Waters, Wells, Wharton, Wigg, Wiggins, Stanyarne Wilson, and Woodward.—93.

Mr. G. D. TILLMAN moved to reconsider the vote whereby the Convention on yesterday agreed to the amendment proposed by Mr. George Johnstone to Section 34.

After debate, participated in by Messrs. G. D. Tillman and George Johnstone, the question being put, the Convention refused to reconsider the amendment.

The amendment proposed by Mr. B. R. TILLMAN was then adopted.

Section 34 as amended was then adopted.

Mr. GEO. JOHNSTONE moved to reconsider the vote whereby the Section as amended was adopted, and to lay that motion on the table; which was agreed to.

On motion of Mr. SLIGH, the Convention, at 1:55 P. M., receded from business until 8 P. M. this day.

RECESS.

The VICE PRESIDENT resumed the chair at 8 P. M.

RESOLUTIONS.

Mr. B. R. TILLMAN offered the following resolution, and asked its immediate consideration:

Resolved, That when this Convention adjourns Friday, it stand adjourned till Tuesday, October 15th, at 12 M., and that no pay be allowed during the recess except mileage.

After debate by Messrs. B. R. Tillman, W. D. Evans, D. S. Henderson, Otts, Rogers, Lee and Fields,

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows:

Yeas, 83; nays, 38.

Those who voted in the affirmative are:

Yeas—Messrs. Austin, Barker, Barton, Berry, Bobo, Bowen, Bowman, Breazeale, J. S. Brice, Buist, Burn, Byrd, Cantey, Carver, Clayton, Connor, Cooper, DeHay, Dennis, Doyle, Dudley, Ellerbe, W. D. Evans, Gamble, Garris, Gary, Gooding, Graham, Gray, Harris, Harrison, Hay, Haynsworth, Wm. Henderson, Henry, Hiers, Howell, Hutson, Irby, George Johnstone, Wilie Jones, Keitt, J. W. Kennedy, Klugh, Lowman, McCalla, McCaslan, McCown, McDermotte, McGowan, Matthews, Miller, Mitchell, J. D. Montgomery, Moore, Morrison, Nathans, Nicholson, Oliver, Parrott, Peake, Perritte, Ragsdale, Redfearn, I. R. Reed, Rogers, Rowland, Sligh, Sloan,

Smalls, Jeremiah Smith, Stackhouse, Stribling, Taylor, B. R. Tillman, G. D. Tillman, Von Kolnitz, Wells, Wharton, Whipper, Wigg, Wiggins, and Woodward.—83.

Those who voted in the negative are :

Nays—Messrs. Aldrich, Alexander, Barry, Behre, Cunningham, Douglass, Farrow, Field, Fitch, Floyd, Fraser, Gage, Gilland, J. L. Glenn, J. P. Glenn, Gunter, Hamel, D. S. Henderson, Houser, T. E. Johnson, E. J. Kennedy, Lee, McKagen, McWhite, Nash, Otts, Patterson, Prince, Rosborough, Russell, Sheppard, Smoak, Stokes, Talbert, Timmerman, A. H. White, S. E. White, and Stanyarne Wilson.—38.

Mr. PRINCE introduced the following resolution, which was considered immediately and agreed to :

Resolved, That the officers and employees of this Convention be allowed the same mileage that the members of the Convention receive for going to their homes and returning.

REPORTS OF STANDING COMMITTEES.

Mr. STANYARNE WILSON submitted the following report of the Committee on Judicial Department, which was read the first time and ordered for consideration to-morrow :

REPORT OF COMMITTEE ON JUDICIAL DEPARTMENT.

The Committee on Judicial Department ask leave to report.

The resolutions referred to this Committee are to be found in the Journal as follows :

Mr. Farrow's, Journal of September 13th, page 2.
Mr. Wharton's, Journal of September 13th, page 2.
Mr. Stokes's, Journal of September 13th, page 6.
Mr. Hodges', Journal of September 13th, page 10.
Mr. Aldrich's, Journal of September 13th, page 20.
Mr. Otts's, Journal of September 13th, page 14.
Mr. McWhite's, Journal of September 14th, page 6.
Mr. Hutson's, Journal of September 14th, page 5.
Mr. Smoak's, Journal of September 14th, page 6.
Mr. Miller's, Journal of September 14th, page 8.
Mr. Bowman's, Journal of September 16th, page 5.
Mr. Sloan's, Journal of September 16th, page 7.
Mr. Smith's, Journal of September 16th, page 10.
Mr. Dudley's, Journal of September 16th, page 11.
Mr. Clayton's, Journal of September 17th, page 2.
Mr. Fraser's, Journal of September 18th, page 3.
Mr. Fitch's, Journal of September 18th, page 7.
Mr. Howell's, Journal of September 18th, page 17.

Mr. Tillman's, Journal of September 18th, page 20.
Mr. Moore's, Journal of September 19th, pages 12, 15, 17 and 18.
Mr. McKagen's, Journal of September 19th, page 14.
Mr. Klugh's, Journal of September 19th, page 16.
Mr. Mower's, Journal of September 20th, page 2.
Mr. Buist's, Journal of September 20th, page 4.
Mr. Oliver's, Journal of September 20th, page 7.
Mr. McMahan's, Journal of September 21st, page 3.
Mr. Otts's, Journal of September 23d, page 10.

The Committee recommends the adoption of the accompanying document as Article IV of the Constitution.

STANYARNE WILSON,
Chairman.

October 3rd, 1895.

ARTICLE IV.

Judicial Department.

Section 1. The judicial power of this State shall be vested in a Supreme Court, in two Circuit Courts, to-wit: A Court of Common Pleas, having civil jurisdiction, and a Court of General Sessions, with criminal jurisdiction only. The General Assembly may also establish County Courts, municipal and such other Courts inferior to Circuit Courts as may be deemed necessary.

Section 2. The Supreme Court shall consist of a Chief Justice and three Associate Justices, all of whom shall be present to constitute the Court. They shall be elected by a joint *viva voce* vote of the General Assembly for the term of eight years, and shall continue in office until their successors shall be elected and qualified, and shall be so classified that one of them shall go out of office every two years.

Section 3. The present Chief Justice and Associate Justices of the Supreme Court are declared to be the Chief Justices and two of the Associate Justices of said Court as herein established until the terms for which they were elected shall expire, and the General Assembly at its next session shall elect the third Associate Justice and make suitable provision for accomplishing the classification above directed.

Section 4. The Supreme Court shall have power to issue writs or orders of injunction, mandamus, *quo warranto*, prohibition, *certiorari*, *habeas corpus*, and other original and remedial writs; and said Court shall have appellate jurisdiction only in cases of chancery, and shall constitute a Court for the correction of errors at law under such regulations as the General Assembly may by law prescribe.

Section 5. The Supreme Court shall be held at least twice in each year at the seat of government, and at such other place or places in the State as the General Assembly may direct.

Section 6. No Judge shall preside on the trial of any cause in the event of which he may be interested, or where either of the parties shall be connected with him by affinity or consanguinity, within such degrees as may be prescribed by law, or in which he may have been counsel or have presided in any inferior Court. In case all or any of the Judges of the Supreme Court shall be thus disqualified, or be otherwise prevented from presiding in any cause or causes, the Court, or the Judges thereof, shall certify the

same to the Governor of the State, and he shall immediately commission specially the requisite number of men learned in the law for the trial and determination thereof. The same course shall be pursued in the Circuit and inferior Courts as is prescribed in this Section for cases of the Supreme Court.

Section 7. There shall be appointed by the Justices of the Supreme Court a Reporter and a Clerk of said Court, who shall hold their offices for four years, and whose duties and compensation shall be prescribed by law.

Section 8. When a judgment or decree is reversed or affirmed by the Supreme Court, every point made and distinctly stated in the cause and fairly arising upon the record in the case shall be considered and decided, and the reasons thereof shall be concisely and briefly stated in writing and preserved with the records of the case.

Section 9. The Judges of the Supreme Court and Circuit Courts shall each receive compensation for their services, to be fixed by law, which shall not be increased or diminished during their continuance in office. They shall not be allowed any fees or perquisites of office, nor shall they hold any other office of trust or profit under this State, the United States, or any other power.

Section 10. No person shall be eligible to the office of Judge of the Supreme Court or Circuit Courts who is not at the time of his election a citizen of the United States and of this State, and has not attained the age of thirty years and been a resident of this State for five years next preceding his election.

Section 11. All vacancies in the Supreme Court or inferior tribunals shall be filled by elections as herein prescribed: *Provided*, That if the unexpired term does not exceed one year such vacancy may be filled by Executive appointment. All Judges, by virtue of their office, shall be conservators of the peace throughout the State.

Section 12. In all cases decided by the Supreme Court the concurrence of three of the Justices shall be necessary for a decision; but whenever, upon the hearing of any cause or question before the Supreme Court, it shall appear to the Justices of the same, or any two of them, that there is a question of Constitutional law, or of conflict between the Constitution and laws of this State and of the United States, or between the duties and obligations of her citizens under the same, or in case the Court shall be equally divided on any question, it shall be the duty of the Chief Justice, or in his absence of the presiding Associate Justice, to call to the assistance of the Supreme Court all the Judges of the Circuit Court except the Circuit Judge who may have tried the cause; the decision of which Court, or a majority of the Justices and Judges sitting in the same, shall be final and conclusive; and the Chief Justice, or in his absence the presiding Associate Justice, shall likewise, at the wish of any two of the Justices of the Supreme Court, call to the assistance of the Supreme Court said Circuit Judges for the determination of any other cause or question to be submitted to them, and the decision of said Court, or a majority of the Justices and Judges sitting in the same, shall be final and conclusive. And in such cases the Chief Justice, or in his absence the presiding Associate Justice, shall preside.

Section 13. The State shall be divided into as many Judicial Circuits as the General Assembly may prescribe, and for each Circuit a Judge shall be elected by joint *viva voce* vote of the General Assembly, who shall hold his

office for a term of eight years; and at the time of his election he shall be an elector of a County of, and during his continuance in office he shall reside in, the Circuit of which he is Judge. The present Judges of the Circuit Courts shall continue in office until the expiration of the terms for which they were elected.

Section 14. Judges of the Circuit Courts shall interchange Circuits with each other, and the General Assembly shall provide therefor.

Section 15. The Courts of Common Pleas shall have original jurisdiction, subject to appeals to the Supreme Court, to issue writs or orders of injunction, mandamus, prohibition, *certiorari, quo warranto, habeas corpus,* and such other writs as may be necessary to carry their powers into full effect. They shall have jurisdiction in all civil cases. They shall have appellate jurisdiction in all cases within the jurisdiction of inferior Courts.

Section 16. The Court of Common Pleas shall sit in each County in this State at least twice in every year, at such stated times and places as may be appointed by law.

Section 17. It shall be the duty of Justices of the Supreme Court and Judges of the Circuit Courts to file their decisions within sixty days from the last day of the Court at which the causes were heard.

Section 18. The Court of General Sessions shall have jurisdiction in all criminal cases. It shall have appellate jurisdiction in all criminal cases within the jurisdiction of inferior Courts. It shall sit in each County in the State at least three times in each year, at such stated times and places as the General Assembly may direct.

Section 19. The Court of Probate shall remain as now established in the County of Charleston. In all other Counties of the State the jurisdiction in all matters testamentary and of administration, in business appertaining to minors and the allotment of dower, in cases of idiocy and lunacy and persons *non compotes mentis,* shall be vested as the General Assembly may provide; and until such provision such jurisdiction shall remain in the Court of Probate as now established.

Section 20. A sufficient number of Magistrates shall be appointed and commissioned by the Governor, by and with the advice and consent of the Senate, for each County, who shall hold their offices for the term of two years, and until their successors are appointed and qualified. Each Magistrate shall have the power, under such regulations as may now or hereafter be provided by law, to appoint one or more Constables to execute writs and processes issued by him. The present Trial Justices are declared Magistrates as herein created, and shall exercise the powers and duties of said office of Magistrate until their successors shall be appointed and qualified.

Section 21. Magistrates shall have jurisdiction in such civil cases as the General Assembly may prescribe: *Provided,* Such jurisdiction shall not extend to cases where the value of property in controversy, or the amount claimed, exceeds one hundred dollars, or to cases where the title to real estate is in question, or to cases in chancery. They shall have jurisdiction in such criminal cases as the General Assembly may prescribe: *Provided,* Such jurisdiction shall not extend to cases where the punishment exceeds a fine of one hundred dollars or imprisonment for thirty days. In criminal matters beyond their jurisdiction to try, they may sit as Examining Courts, and commit, discharge or recognize (except in capital cases) persons charged with such offenses, subject to such regulations as the General Assembly may

provide. They shall also have the power to bind over to keep the peace and for good behavior for a term not to exceed twelve months.

Section 22. All persons charged with an offense shall have the right to demand and obtain a trial by jury. The jury in cases, civil or criminal, in all Courts inferior to Circuit Courts shall consist of six.

Section 23. Every civil action cognizable by Magistrates shall be brought before some Magistrate in the County where the defendant resides, and every criminal action in the County where the offense was committed. In all cases tried by them, the right of appeal shall be secured under such rules and regulations as may be provided by law.

Section 24. All officers, other than those named in Section 9, provided for in this Article shall receive for their services such compensation as the General Assembly may from time to time by law direct.

Section 25. Each of the Justices of the Supreme Court and Judges of the Circuit Court shall have the same power at Chambers to issue writs of habeas corpus and temporary writs or orders of injunction, mandamus, quo waranto, certiorari and prohibition as when in open Court.

Section 26. Judges shall not charge jurors in respect to matters of fact, but shall declare the law.

Section 27. There shall be elected in each County, by the electors thereof, one Clerk of the Court of Common Pleas, who shall hold his office for the term of four years, and until his successor shall be elected and qualified. He shall, by virtue of his office, be Clerk of all other Courts of record held therein, but the General Assembly may provide by law for the election of a Clerk, with a like term of office, for each or any other of the Courts of record, and may authorize the Judge of the Probate Court to perform the duties of Clerk for his Court, under such regulations as the General Assembly may direct. Clerks of Courts shall be removable for such cause and in such manner as shall be prescribed by law.

Section 28. There shall be an Attorney General for the State, who shall perform such duties as may be prescribed by law, He shall be elected by the qualified electors of the State for the term of two years, and shall receive for his services such compensation as shall be fixed by law.

Section 29. There shall be one Solicitor for each Circuit, who shall reside therein, to be elected by the qualified electors of the Circuit, who shall hold his office for the term of four years, and shall receive for his services such compensation as shall be fixed by law. In all cases where an attorney for the State of any Circuit fails to attend and prosecute according to law, the Court shall have power to appoint an attorney *pro tempore*. In the event of the establishment of County Courts the General Assembly may provide for one Solicitor for each County in the place and in stead of the Circuit Solicitor, and prescribe his powers, duties and compensation.

Section 30. The qualified electors of each County shall elect a Sheriff and Coroner for the term of four years and until their successors are elected and qualified. They shall reside in their respective Counties during their continuance in office, and be disqualified for the office a second time if it should appear that they, or either of them, are in default for moneys collected by virtue of their respective offices.

Section 31. All writs and processes shall run and all prosecutions shall be conducted in the name of the State of South Carolina. All writs shall be

attested by the Clerk of the Court from which they shall be issued, and all indictments shall conclude "against the peace and dignity of the State."

Section 32. The General Assembly shall provide by law for the speedy publication of the decisions of the Supreme Court made under this Constitution.

Section 33. Circuit Courts and all Courts inferior thereto shall have the power, in their discretion, to impose sentence of labor upon highways, streets and other public works upon persons by them sentenced to imprisonment.

Section 34. All matters, civil and criminal, now pending within the jurisdiction of any of the Courts of this State shall continue therein until disposed of according to law.

Mr. DUDLEY, for the Committee on Engrossed Resolutions and Ordinances, to whom was referred an Article relating to Municipal Corporations and Police Regulations, reported that the same had been correctly engrossed and revised.

Ordered to a third reading to-night.

THIRD READING.

Calendar No. 14 was read a third time and ordered to the Committee on Order, Style and Revision.

Calendar No. 18 was read a third time and ordered to the Committee on Order, Style and Revision.

Calendar No. 27 was taken up for consideration.

Mr. GRAY proposed the following amendent to Section 1 :

Provided, The provisions of this Section shall not apply to the offices of Librarian and Department Clerks or to either of such offices. Any woman a resident of the State two years, and who has attained the age of twenty-one years, shall be eligible,

Which was agreed to.

Calendar No. 27 was read a third time and ordered to the Committee on Order, Style and Revision.

Calendar No. 19 was taken up for consideration.

Mr. PATTON proposed the following as a substitute for Section 8.

Section 8. Cities and towns may exempt from taxation by general or special ordinance, except for school purposes, manufactories established within their limits for five successive years from the time of the establishment of such manufactories; *Provided,* That such ordinance shall first be ratified by a majority of such qualified voters of such city or town as shall vote at an election held for that purpose.

Which was agreed to.

Calendar No. 19 was read a third time and ordered to the Committee on Order, Style and Revision.

Calendar No. 31. Mr. D. S. HENDERSON stated that this number was incorporated in the report of the Committee in Article No. 9, and moved that No. 31 be stricken from the Calendar; which was agreed to.

Mr. STANYARNE WILSON moved to reconsider the vote whereby the Convention adopted the substitute to Section 8.

The question being put: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 61; nays, 68.

Those who voted in the affirmative are:

Yeas—Messrs. Alexander, Barry, Behre, Bellinger, Bobo, Bowen, Breazeale, Burn, Byrd, Carver, Clayton, Connor, Cooper, Douglass, Doyle, Efird, Ellerbe, W. D. Evans, Field, Fitch, Floyd, Gary, J. P. Glenn, Gunter, Hamel, Harris, Henry, Houser, Irby, T. E. Johnson, George Johnstone, Keitt, Lowman, McCalla, McCown, McKagen, McWhite, Moore, Morrison, Nicholson, Otts, Parrott, Peake, Redfearn, I. R. Reed, Rosborough, Rowland, Russell, Sligh, Smalls, A. J. Smith, Smoak, Stackhouse, Stribling, Sullivan, Waters, Wharton, Wiggins, Stanyarne Wilson, Winkler, and Woodward.—61.

Those who voted in the negative are:

Nays—Messrs. Aldrich, Austin, Barker, Barton, Berry, Bowman, J. S. Brice, Bryan, Cantey, Cunningham, DeHay, Dennis, Dudley, Farrow, Fraser, Gage, Gamble, Garris, Gilland, J. L. Glenn, Gooding, Graham, Gray, Harrison, Hay, Haynsworth, D. S. Henderson, Wm. Henderson, Hiers, Howell, Hutson, Jervey, Wilie Jones, E. J. Kennedy, J. W. Kennedy, Klugh, Lee, McCaslan, McDermotte, McGowan, Matthews, Meares, Mitchell, J. D. Montgomery, W. J. Montgomery, Nash, Patterson, Patton, Perritte, Prince, Ragsdale, J. H. Read, Rogers, Sheppard, Sloan, Jeremiah Smith, R. F. Smith, Stokes, Talbert, Taylor, B. R. Tillman, G. D. Tillman, Timmerman, VonKolnitz, Wells, A. H. White, S. E. White, and Wigg.—68.

UNFINISHED BUSINESS.

Mr. SLIGH moved that Section 29, Calendar No. 10, be continued until after the recess; which was agreed to.

Calendar No. 10, Section 35. Mr. SLOAN moved to strike out the Section.

After debate by Messrs Rogers, Burn, Garris, Sheppard, Aldrich, and Farrow,

Mr. BARKER offered the following substitute for No. 35 :

Strike out Section 35 and insert the following: That marriage contracted after the adoption of this Constitution shall not entitle any woman so married to dower in lands which may be voluntarily aliened or mortgaged by her husband during coverture.

Mr. SLIGH moved to amend Section 35 as follows :

Amend Section 35 of Article on Legislative Department as follows: Strike out the word "that" at the beginning of line 1 and substitute the word "is" for the words "be and the same is hereby"; also add the words "in this State" at end of Section, so that the Section shall read as follows: "The right of dower in any and all lands aliened by the husband during the coverture is abolished in this State."

The pending question being motion of Mr. Sloan to strike out Section 35,

On motion of Mr. BELLINGER, the Convention adjourned at 11 P. M. until 10 A. M. to-morrow.

TWENTY-SECOND DAY.

Friday, October 4, 1895.

The Convention assembled at 10 o'clock A. M.

The Secretary called the roll.

Owing to the illness of the President, Vice President TALBERT took the chair.

A quorum being present, the proceedings were opened with prayer by the Rev. Mr. PARROTT.

The Journal of yesterday's proceedings was read and confirmed.

The VICE PRESIDENT called for memorials, resolutions and such like papers.

Mr. EFIRD, by request, submitted a memorial from the women of Lexington, urging this Convention to adopt a Section allowing the right of suffrage to the women of the State; which was received as information and ordered not printed.

Mr. BERRY submitted the following, which was received as information and ordered printed in the Journal :

MEMORIAL FROM CONGRESS OF ROAD SUPERVISORS.

To the Constitutional Convention of South Carolina.

GENTLEMEN: I am directed by the Convention of County Supervisors of the State, now in session in Columbia, to notify your body that we have carefully considered the ordinance now pending before your body, introduced by Mr. D. S. Henderson of Aiken, entitled "an ordinance to authorize the issue of State bonds to enable the Counties of the State to do business on a cash basis," and in our unanimous judgment the same ought to be passed by your honorable body.

The evil which the ordinance seeks to remedy is a terrible one, and the remedy proposed by Mr. Henderson we think meets the case, and we therefore most earnestly and respectfully memorialize your body to pass it.

Respectfully,

J. B. T. SCOTT,
President Road Congress.

RESOLUTIONS.

Mr. EFIRD offered the following and asked its immediate consideration, which was agreed to, and the resolution adopted and ordered to be audited by the Comptroller General, and if found to be correct to be paid :

RESOLUTION AUTHORIZING THE COMPTROLLER GENERAL TO AUDIT AND DRAW HIS WARRANT FOR THE ACCOUNT OF CHARLES A. CALVO, JR.

Be it resolved by the Constitutional Convention of South Carolina, That the attached account of Charles A. Calvo, Jr., for $357.15, for printing for the Convention, together with the vouchers, be referred to the Comptroller General with instructions to audit the same, and draw his warrant in favor of Charles A. Calvo, Jr., for such amount as may be due under the rules of this Convention and the laws of the State.

THE STATE OF SOUTH CAROLINA,

To CHARLES A. CALVO, JR., *Dr.*

1895.			
Oct. 4.	To printing 200 copies Convention Calendar, September 27, 28, 30, October 1, 2, 3—24 pp. @ $1.07		$ 25 68
	To printing 200 copies Convention Journal, September 26, 27, 28, 30, October 1, 2—50½ L. P. pp. @ $1.07	$54.03	
	33½ Brev. pp.=47 L. P. @ $1.07	50.29	104 32

To printing 200 copies Calendar Nos. 25, 26, 27, 28, 29, 30, 31, 32, 34, 37, 38, 39, 40, 41, and Art. IV, 2 printings, Executive Department, 70 pp. @ $1.87		130 90
To printing 500 copies Permanent Journal, sigs. 14 to 18, inclusive—38¼ L. P. pp. @ $1.00	$38.25	
41½ Brev. pp.=58 L. P. @ $1.00	58.00	96 25
		$357 15

STATE OF SOUTH CAROLINA,
RICHLAND COUNTY.

Personally appeared before me Charles A. Calvo, Jr., who, being duly sworn, deposes and says that the above is a just and true account against the State of South Carolina, in accordance with the terms of Chapter III of the Revised Statutes of 1893, no part of which has been paid by discount or otherwise.

CHARLES A. CALVO, JR.

Sworn to before me this 4th day of October, 1895.
GEO. H. HUGGINS, [L. S.]
Notary Public, S. C.

Mr. BELLINGER offered the following and asked its immediate consideration.

Resolved, That the Secretary, the Sergeant-at-Arms and the Reading Clerk of this Convention be allowed the same compensation as is paid the Clerk, Sergeant-at-Arms and the Reading Clerk of the House of Representatives of this State.

Ten members objected and the resolution was ordered to lie over for consideration to-morrow.

Mr. ELLERBE offered the following, which was read the first time and ordered for consideration to-morrow :

Resolved, That with a view to save the necessity and expense of holding the approaching session of the General Assembly it be referred to Committees on Finance and Taxation and on the Legislative Department to frame and present for the consideration of this Convention an ordinance providing for such tax levies and appropriations as may be necessary to carry on the State and County government until the first session of the General Assembly to be held as provided for under this Constitution.

REPORTS OF STANDING COMMITTEES.

Mr. FRASER, from the Committee on Order, Style and Revision, submitted the following, which was received as information :

REPORT OF COMMITTEE ON STYLE, ORDER AND REVISION.

The Committee on Order, Style and Revision, to whom was referred an "ordinance to establish a new judicial and election County from a portion

of the territory of Edgefield County, to be called Saluda," which had passed its third reading, respectfully report that the same has been duly enrolled, and they present the same for ratification by this Convention.

All of which is respectfully submitted.

T. B. FRASER, Chairman,
For Committee.

GENERAL ORDERS.

Mr. PATTON moved to take up Calendar No. 33 out of its regular order; which was agreed to.

Calendar No. 33, resolution in reference to Cuba.

Mr. PATTON offered the following amendment to the resolution:

Resolved, That we, the delegates of the people of South Carolina, assembled in Convention for the purpose of framing a Constitution for a free and independent people, extend our hearty sympathy to the Cuban patriots now struggling for the same precious right.

Resolved, 2d, That we call upon the Federal Government to recognize the Cubans as belligerents so soon as the rules of international law shall permit.

Which was agreed to.

Calendar No. 33 as amended was then adopted.

UNFINISHED BUSINESS.

Calendar No. 10, report of Legislative Committee.

Mr. SLIGH moved to pass over Section 35.

Mr. PRINCE moved to lay this motion on the table; which was agreed to.

The Convention resumed the consideration of Section 35, the question being the motion of Mr. Sloan to strike out the Section.

After debate by Messrs. Ragsdale, Hutson, Jeremiah Smith and Rogers,

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows:

Yeas, 82; nays, 18.

Those who voted in the affirmative are:

Yeas—Messrs. Aldrich, Alexander, Austin, Barker, Bellinger, Bowman, J. S. Brice, Burn, Byrd, Cantey, Carver, Connor, Cunningham, DeHay, Dennis, Dent, Douglass, Dudley, Efird, W. D. Evans, Farrow, Field, Floyd, Fraser, Gage, Gamble, J. L. Glenn, J. P. Glenn,

Gray, Hamel, Harrison, Hay, Wm. Henderson, Hiers, Hodges, Houser, Irby, Jervey, T. E. Johnson, George Johnstone, E. J. Kennedy, J. W. Kennedy, Klugh, Lowman, Lybrand, McCalla, McCaslan, McCown, McDermotte, McGowan, McKagen, McMakin, McWhite, Matthews, Meares, Mitchell, Morrison, Nash, Nicholson, Otts, Patterson, Patton, Peake, Ragsdale, J. H. Read, Redfearn, Rosborough, Shuler, Sloan, A. J. Smith, Jeremiah Smith, Smoak, Stokes, Talbert, Taylor, B. R. Tillman, Wells, A. H. White, Wigg, Wiggins, Stanyarne Wilson, Winkler, and Woodward.—83.

Those who voted in the negative are :

Nays—Messrs. Berry, Breazeale, Clayton, Ellerbe, Gilland, Gooding, Graham, Harris, D. S. Henderson, Hutson, W. J. Montgomery, Prince, Rogers, Russell, Sheppard, G. D. Tillman, Timmerman, and S. E. White.—18.

Mr. BOWMAN moved to reconsider the vote whereby the Convention agreed to strike out Section 35, and to lay that motion on the table ; which was agreed to.

On motion of Mr. SLIGH, the Convention, at 11:45 A. M., adjourned until 12 M. October 15, 1895.

TWENTY-THIRD DAY.

Tuesday, October 15, 1895.

The Convention assembled at 12 M.

The Secretary called the roll.

The President being absent, Vice President TALBERT took the Chair.

A quorum being present, the proceedings were opened with prayer by the Rev. Mr. ABNEY.

The Journal of yesterday's proceedings was read and confirmed.

LEAVES OF ABSENCE.

Mr. IRA B. JONES asked and obtained leave of absence for Mr. Hamel until Monday.

Mr. DOYLE, for Dr. R. F. Smith, indefinite leave, on account of sickness.

Mr. McCOWN, for Mr. Clayton, indefinite leave, on account of sickness.

Mr. ROGERS, for Mr. Hodges, indefinite leave, on account of sickness.

Mr. McMAHAN asked that it be entered on the record that his absence during the last week of the Convention before the recess was due to sickness.

Mr. J. W. KENNEDY asked and obtained indefinite leave for Mr. Cantey on account of sickness in his family.

Mr. McCOWN offered the following resolutions, which were considered immediately and agreed to :

WHEREAS, it has pleased the All-wise Ruler and President of the Convention Omnipotent to remove from our midst our friend and co-laborer in the work in this Convention, Dr. James O. Byrd, delegate from Florence County. And recognizing and appreciating his indomitable energy, sterling worth and earnest labor in the effort to secure magnificent results—a good Constitution, therefore:

Be it resolved, 1st. That in the death of Dr. James O. Byrd, who departed this life suddenly on the afternoon of the 13th inst., at his home, in Timmonsville, S. C., this Convention has sustained a serious loss, and the State is deprived of a valuable citizen, an able legislator.

2nd. That, we his friends, while submissively bowing to the will of Him who doeth all things well, will cherish his memory, mourn his departure—our loss, and sympathize with his bereaved family.

3rd. That a page of the proceedings of this Convention be dedicated to his memory.

4th. That a copy of the foregoing preamble and resolutions be suitably engrossed, under the supervision of the Clerk of this Convention, and turned over to the delegation from Florence County, to be by them transmitted to his wife and family.

As a further mark of respect in honor to his memory, I move that this Convention do now adjourn, and that an hour be set aside on Thursday next, at 11 o'clock A. M., for the consideration of the above resolution.

At 12:30 P. M. the Convention adjourned until 10 A. M. to-morrow.

TWENTY-FOURTH DAY.

Wednesday, October 16, 1895.

The Convention assembled at 10 o'clock A. M.

The Secretary called the roll.

The PRESIDENT took the chair.

A quorum being present, the proceedings were opened with prayer by the Rev. Mr. ABNEY.

The Journal of yesterday's proceedings was read and confirmed.

LEAVES OF ABSENCE

were granted the following: Mr. Graham, indefinite on account of sickness; Mr. Bradham, for one day.

Mr. McWHITE offered the following, which was read the first time and ordered placed on the Calendar without printing or reference:

Whereas a vacancy has occurred in the delegation to this Convention from the County of Florence occasioned by the death of the Hon. J. O. Byrd, which under the law must be filled by an election to be ordered by the Secretary of State; and whereas it is not deemed necessary to inflict upon the people of said County the expense incident to an election to fill said vacancy. Therefore,

Be it resolved, That the Secretary of State is hereby authorized to withhold a writ of election to fill the vacancy.

UNFINISHED BUSINESS.

The Convention resumed the consideration of Calendar No. 10, report of the Legislative Committee.

Section 36. Mr. STANYARNE WILSON offered the following amendment:

Amend Section 36, subdivision 4, by adding at end of same "not under the control of the State,"

Which was agreed to.

Mr. GAGE offered the following, which was agreed to :

Amend Section 36 by adding as subdivision 12 as follows, to wit: "12. The General Assembly shall forthwith enact general laws concerning said subjects and for said purposes, which shall be uniform in their operation."

Mr. RAGSDALE offered the following, which was agreed to :

"*Provided,* That nothing contained in this Section shall prohibit the General Assembly from enacting special provisions in general laws."

Mr. VON KOLNITZ offered the following, to be added to end of subdivision 4 : "*Provided,* Existing charters may be amended or altered."

Mr. SHEPPARD offered the following as a substitute, which was adopted : Add to subdivision 4, "or amend or extend the charters thereof."

Mr. BATES moved to strike out subdivisions 3, 4 and 5, Section 36.

The question being put, the Convention refused to strike out the subdivisions.

Mr. MEARES moved to strike out subdivision 3, lines 6 and 7, printed Bill.

The question being put, the Convention refused to strike out.

Mr. KLUGH moved to strike out lines 1, 2 and 3 of Section 36 and insert the following :

The General Assembly shall, as soon as practicable after the adoption of this Constitution, enact general laws, which shall be applicable in the several cases embraced in this Section, to wit.

The question being put, the Convention refused to adopt the amendment.

Mr. VON KOLNITZ moved to add the following as subdivision 13, which was agreed to :

The provisions of this Section shall not apply to charitable and educational corporations, where, under the terms of a gift, devise or will, special incorporation may be required.

Mr. JOHNSTONE offered the following, which, on motion of Mr. SHEPPARD, was indefinitely postponed :

Subdivision 14. Nothing herein contained shall prohibit the General Assembly from incorporating by special enactment corporations of a character other than those herein named.

Section 36 as amended was then adopted.

Mr. SLIGH moved to strike out Section 37.

After debate by Messrs. Sligh, Timmerman, Talbert, Prince, Haynsworth, J. L. Glenn, B. R. Tillman, Burn, Gage and Hemphill, the question being put, it was decided in the affirmative by a rising vote—yeas, 72 ; nays, 42.

Mr. B. R. TILLMAN offered the following as Section — :

Section —. The General Assembly shall submit to the qualified electors in the year 1916, and every twentieth year thereafter, the question of calling a Constitutional Convention; and if a majority of the electors shall vote in favor thereof, then at its next session the General Assembly shall order an election for delegates to said Constitutional Convention.

After debate by Messrs. B. R. Tillman, Sheppard and Perritte, the question being put, it was decided in the negative by a rising vote—yeas, 47 ; nays, 65.

Mr. GEORGE JOHNSTONE moved to reconsider the vote whereby the amendment to Section 33 was adopted ; which was agreed to.

Mr. GEORGE JOHNSTONE then moved the following as a substitute for the amendment, which was agreed to : Add to the end of the Section "Nor grant pensions except for military and naval service, nor retire any officer on pay or part pay."

Mr. SLIGH moved to make Section 29 a special order for 10 o'clock to-morrow ; which was agreed to.

Mr. W. D. EVANS moved to reconsider Section 34, which had been adopted as amended ; which was agreed to.

Mr. W. D. EVANS then moved to add the following to the Section :

"*Provided,* That this Section shall not be so construed as to disqualify for marriage with white persons any person, or his or her issue, who shall have had at or before the adoption of this Constitution the status of white persons.

After debate by Messrs. G. D. Tillman and Sheppard,

Mr. FRASER offered the following as a substitute for the amendment proposed by Mr. W. D. Evans :

Add at the close of Section 34: *Provided,* That the status of no person who has heretofore been recognized as legally white shall be in any way affected by the provisions of this Section.

Mr. SHEPPARD moved to recommit the whole Section 34 with the proposed amendments to the Committee on Legislative Department.

After debate by Messrs. Sheppard and George Johnstone,

Mr. GEORGE JOHNSTONE moved to lay upon the table the motion to recommit.

The question being put, the Convention refused to lay the motion on the table.

The question being put on Mr. Sheppard's motion to recommit, it was agreed to.

GENERAL ORDERS.

Calendar No. 12, report of Committee on Finance and Taxation, on motion of Mr. W. D. EVANS, was passed over.

On motion of Mr. STANYARNE WILSON, No. 16, report of the Committee on Legislative Department as to resolutions to be incorporated in Article 2 of the Constitution, was laid on the table.

Calendar No. 19, report of the Committee on Charitable and Penal Institutions.

Section 1 was adopted as reported by the Committee.

Mr. GOODING moved to amend Section 2 as follows: Line 1, strike out "Superintendent" and insert "Regents;" which was agreed to. Also, same line, after the word "insane" insert the words "and the Superintendent thereof;" which was agreed to. Also, same Section, line 2, strike out the words "and the Regents thereof;" which was agreed to.

Mr. EFIRD moved to amend same Section, line 3, by striking out all after "Senate" down to and including the word "Journal" on line 5; which was agreed to.

The Section as amended was adopted.

Section 3 was adopted as reported by the Committee.

Section 4. Mr. B. R. TILLMAN moved to amend as follows: Line 1, strike out "other" and insert the word "penal;" which was agreed to.

The Section as amended was adopted.

Section 5. Mr. GOODING moved to amend line 1 by adding after "Directors" the words "and Superintendent;" which was agreed to.

The Section as amended was adopted.

Section 6 was adopted as reported by the Committee.

Section 7 was passed over until 8 P. M. this day.

Section 8 was adopted as reported by the Committee.

Section 9 was passed over until 8 P. M. this day.

Calendar No. 20, an ordinance to abolish the fee system, on motion of Mr. EFIRD, was laid on the table.

Calendar No. 21, a petition from the Women's Christian Temperance Union relating to the age of consent, on motion of Mr. STANYARNE WILSON, was laid on the table.

Calendar No. 23 was passed over.

Calendar No 24, an ordinance relating to the concurrence of the whole jury, on motion of Mr. STANYARNE WILSON, was laid on the table.

Calendar No. 25, an ordinance to provide for a Department of Roads and Forestry, was, on motion of Mr. McMAHAN, passed over for the present.

At 2 P. M., on motion of Mr. McCOWN, the Convention receded from business until 8 P. M. this day.

RECESS.

The PRESIDENT resumed the chair at 8 P. M.

The PRESIDENT submitted the following communication, which was ordered printed in the Journal, and to be taken up in connection with the report of the Suffrage Committee :

To the HON. JOHN GARY EVANS, *President Convention,*
Hall Representatives, Columbia, S. C.

DEAR SIR: I ask in the name of the Equal Rights Association, of which I am a member, that the women of South Carolina be given the right to vote with an educational qualification.

Yours truly,
MRS. ROSELLA A. WAUR,
President Frogmore Equal Rights Association,
St. Helena Island, S. C.

Also the following, which was received as information :

RICHMOND, KY., October 8, 1895.

Governor Evans.

MY DEAR SIR: The Judges of the Supreme Court of the United States have affirmed in their combined Virginia mines and Yarbrough decisions that *women and black men* were guaranteed the protection of Congress against State denial of "the right of citizens of the United States to vote" for members of Congress by the *Fourteenth Amendment* of our National Constitution when it said: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." And I am exceedingly anxious that our Southern Democrats should not allow the Northern Republicans to go ahead of them in enfranchising women, so I send you and some other members of your State Convention copies of the

enclosed printed letter, in the hope that you will get the Convention to protect white and black women equally with white and black men in that right to vote for members of Congress which women and black men exercised for eighteen years in the State of New Jersey, when the men who wrote the original Constitution of the United States were still living.

Most respectfully yours,

MRS. JAMES BENNETT.

Indefinite leave of absence was granted to Messrs. Gamble and Atkinson on account of sickness.

The Convention resumed the consideration of No. 19, report of the Committee on Charitable and Penal Institutions.

Mr. GOODING moved to strike out Section 7 and insert the following in lieu thereof; which was agreed to:

The Governor, with four citizens of this State, to be appointed by the Governor, shall constitute a State Board of Charities and Corrections, of which the Governor shall be *ex officio* Chairman. They shall appoint a Secretary, whose compensation shall be fixed by law at the next session of the General Assembly after the adoption of this Constitution. It shall be the duty of the Secretary to visit and inspect all the public and private charitable and penal institutions of the State, including County and municipal almshouses, jails and prisons, and report to the Board, who shall report annually to the General Assembly the state and condition of the several institutions fully and particularly. Said Board shall be advisory only, and shall not possess executive authority.

The substitute was adopted as Section 7.

Section 9. Mr. GOODING moved to amend line 2, after the word "aforesaid," by inserting the words "except where otherwise provided for, with the power of removal;" which was agreed to.

Section 9 as amended was adopted.

Section 10. Mr. BELLINGER, by request of the Committee on Jurisprudence, moved to amend Article on Charitable and Penal Institutions by inserting as Section 10 the following:

Section 10. The Penitentiary and the convicts thereto sentenced shall forever be under the supervision and control of officers employed by the State; and in case any convicts are hired or farmed out, as may be provided by law, their maintenance, support, medical attendance and discipline shall be under the direction of officers detailed for those duties by the authorities of the Penitentiary.

Which was agreed to.

The report of the Committee as amended was read the second time and ordered to a third reading to-morrow.

Calendar No. 25, on motion of Mr. McMAHAN, was passed over.

Mr. OTTS moved that Calendar No. 26, report of a part of the Committee on County and County Government, Mr. Otts for Committee; also No. 28, report of a part of the Committee on Counties and County Government, Mr. Harrison; also No. 29, report of Committee on Counties and County Government, Mr. Austin for Committee, be made special orders for Monday next at 10 A. M., and from day to day until disposed of.

No. 30, on motion of Mr. BELLINGER, was passed over.

Mr. OTTS moved that No. 32 be passed over; which was agreed to.

Calendar No. 34, proposed Article 1 of the Constitution, being the Declaration of Rights.

Mr. RAGSDALE moved to amend as follows: Section 1, line 3, strike out the words "in such manner as they may deem expedient;" which was agreed to.

Section 1 as amended was adopted.

Mr. McMAHAN moved to strike out Section 2.

The question being put, the Convention refused to strike out.

Section 2 was adopted as reported by the Committee.

Section 3. Mr. B. R. TILLMAN moved to amend line 1 by inserting after "representation" the words "in the House of Representatives;" which was agreed to.

The Section as amended was adopted.

Sections 4, 5, 6, 7, 8 and 9 were adopted as reported by the Committee.

Section 10, on motion of Mr. BELLINGER, was stricken out.

Section 11 was adopted as reported by the Committee.

Mr. B. R. TILLMAN moved to strike out Section 12.

After debate by Messrs. George Johnstone, Sheppard and W. B. Wilson, the question being put, "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were demanded, and are as follows:

Yeas, 58; nays, 59.

Those who voted in the affirmative are:

Yeas—Hon. John Gary Evans, President, and Messrs. Aldrich, Alexander, Ashe, Austin, Barry, Barton, Bates, Behre, Bellinger, Bowen, Buist, Carver, Connor, Cunningham, Efird, Estridge, W. D. Evans, Field, Gage, Gary, Gilland, J. P. Glenn, Gooding, Gunter, Haynsworth, Wilie Jones, J. W. Kennedy, Lowman, Lybrand, McCalla, McMahan, McMakin, McWhite, J. D. Montgomery, Moore, Morrison, Nicholson, Parrott, Patterson, Redfearn, Rosborough, Rowland, Shuler, Singletary, Sligh, Smoak, Stokes, Talbert, Taylor, B. R. Tillman, Waters, Watson, Wells, S. E. White, Stanyarne Wilson, W. B. Wilson, and Woodward.—58.

Those who voted in the negative are :

Nays—Messrs. Anderson, Barker, Bobo, Bowman, Breazeale, J. S. Brice, T. W. Brice, Bryan, Burn, Douglass, Doyle, Dudley, Ellerbe, Farrow, Fitch, Fraser, J. L. Glenn, Gray, Hay, Hemphill, Henry, Howell, Hutson, Irby, T. E. Johnson, George Johnstone, Ira B. Jones, Keitt, E. J. Kennedy, Klugh, Lee, McCown, McGowan, McKagen, Matthews, Meares, Mitchell, W. J. Montgomery, Mower, Nathans, Otts, Peake, Perritte, Prince, Ragsdale, J. H. Read, Rogers, Sheppard, Sloan, Smalls, A. J. Smith, Stribling, G. D. Tillman, Timmerman, Von Kolnitz, Wharton, Whipper, A. H. White, and Wigg.—59.

Mr. W. B. WILSON moved to amend line 1 by striking out the words "and open."

Mr. SHEPPARD moved to lay the amendment on the table.

The question being put, " Will the Convention agree thereto ?" it was decided in the affirmative.

The yeas and nays were demanded, and are as follows :

Yeas, 60 ; nays, 58.

Those who voted in the affirmative are :

Yeas—Messrs. Aldrich, Anderson, Barker, Bates, Bobo, Bowman, J. S. Brice, T. W. Brice, Bryan, Burn, Doyle, Dudley, Ellerbe, Farrow, Fitch, Fraser, Gilland, J. L. Glenn, Gray, Hay, Hemphill, Henry, Howell, Hutson, Irby, T. E. Johnson, George Johnstone, Ira B. Jones, Wilie Jones, Keitt, Klugh, E. J. Kennedy, Lee, McCown, McGowan, Meares, Mitchell, W. J. Montgomery, Mower, Nathans, Nicholson, Otts, Parler, Peake, Perritte, Prince, Ragsdale, J. H. Read, Rogers, Sheppard, Sloan, Smalls, A. J. Smith, Stribling, G. D. Tillman, Timmerman, Wells, Wharton, A. H. White, and Wigg.—60.

Those who voted in the negative are :

Nays—Hon. John Gary Evans, President, and Messrs. Alexander, Ashe, Austin, Barry, Barton, Behre, Bellinger, Bowen, Breazeale, Buist, Carver, Connor, Cunningham, Douglass, Efird, Estridge, W. D. Evans, Field, Gage, Gary, J. P. Glenn, Gooding, Gunter, Houser, J. W. Kennedy, Lowman, Lybrand, McCalla, McKagen, McMahan, McMakin, McWhite, Matthews, J. D. Montgomery, Moore, Morrison, Parrott, Patterson, Redfearn, Rosborough, Rowland, Shuler, Singletary, Sligh, W. C. Smith, Smoak, Stokes, Talbert, Taylor, B. R. Tillman, Waters, Watson, Whipper, S. E. White, Stanyarne Wilson, W. B. Wilson, and Woodward.—58.

On motion of Mr. B. R. TILLMAN, debate on Sections 12 and 13 was adjourned for the present, the Sections to be considered in connection with the report of the Committee on Suffrage.

Sections 14 and 15 were adopted as reported by the Committee.

Section 16. Mr. MOWER moved to amend by striking out all of the Section after "other," on line 4; which was agreed to.

The Section as amended was adopted.

Section 17, on motion of Mr. BELLINGER, was stricken out.

Sections 18 and 19 were adopted as reported by the Committee.

Section 20. Mr. STANYARNE WILSON offered the following amendment: Strike out "Where the punishment exceeds a fine of one hundred dollars or imprisonment for thirty days," and insert in lieu thereof "before the Court of General Sessions."

Mr. HUTSON moved that debate be adjourned for the present, and the Section and the proposed amendment be taken up in connection with the report of the Committee on Judicial Department; which was agreed to.

Section 21. Mr. BELLINGER moved to amend as follows: By striking out the words "of the County where the crime shall have been committed;" which was agreed to.

The Section as amended was adopted.

Section 22. Mr. MOWER asked that Section 22 be passed over; which was agreed to.

Sections 23, 24, 25 and 26 were adopted as reported by the Committee.

Section 27. Mr. SHEPPARD moved to strike out all of the Section after the word "fraud;" which was agreed to.

The Section as amended was adopted.

Sections 28, 29 and 30 were adopted as reported by the Committee.

Section 31, on motion of Mr. RAGSDALE, was stricken out.

Sections 32 and 33 were adopted as reported by the Committee.

Mr. B. R. TILLMAN moved that Calendar No. 37, report of the Committee on Suffrage, be made the special order for Tuesday next at 12 M., and so continued from day to day until disposed of.

On motion of Mr. MOWER, the Convention, at 10:30 P. M., adjourned until 10 A. M. to-morrow.

TWENTY-FIFTH DAY.

Thursday, October 17, 1895.

The Convention assembled at 10 o'clock A. M.

The Secretary called the roll.

The PRESIDENT took the chair.

A quorum being present, the proceedings were opened with prayer by the Rev. Mr. ABNEY.

The Journal of yesterday's proceedings was read and confirmed.

LEAVES OF ABSENCE.

Indefinite leave of absence was granted Messrs. Winkler, Wiggins and Russell on account of sickness.

Mr. MITCHELL moved that No. 39, minority report of Committee on Education, Mr. E. J. Kennedy; No. 40, minority report of Committee on Education, Messrs. Watson & Houser; No. 41, report of the Committee on Education, Mr. Mitchell for Committee, be made special orders for Wednesday next at 12 M., and so continued from day to day until disposed of; which was agreed to.

UNFINISHED BUSINESS.

Calendar No. 10, report of Committee on Legislative Department.

Section 29, the question being the motion of Mr. Howell to strike out lines 20, 21 and 22 of the printed Bill.

After debate by Messrs. Sligh and Howell,

At 11 A. M., the hour fixed by the Convention for the consideration of the resolutions in reference to the death of the Hon. J. O. Byrd,

Mr. McCOWN moved that the Convention do now proceed to consider the same; which was agreed to.

Mr. McWHITE addressed the Convention as follows:

It is with great reluctance that I will attempt to speak to the Convention. My acquaintance with Dr. Byrd only dates from 1889. From that time we have often been associated in matters pertaining to County, State and local affairs; from 1892 to 1893 he was my colleague in the Legislature of this State. Dr. Byrd was a man of decided convictions and left evidence of his convictions, always taking a great interest in all matters pertaining to either neighborhood, County or State. A man of commanding appearance, the picture of health, and when, upon arrival at Florence on the 14th inst., and before leaving my buggy, I was shocked to learn of the sudden death of my friend and colleague, Dr. J. O. Byrd. Yes, it was true; the reaper Death had claimed him as its victim, and the once manly form, patriot and gentleman, lay cold in the icy arms of death, taken away so sudden, so unexpected. Oh, what an evidence of the truth that in the midst of life we are in death. A pleasant and lovely home made desolate, a loving companion's heart made to bleed in anguish at the loss of one so kind, noble and affectionate. Affectionate children mourn the death of an affectionate and indulgent father. He was very popular among his people as a physician and politician. An open, free heart, never turning the poor aside. Hospitable and entertaining, Dr. Byrd was a man of the people, and no one will be more missed than he.

I cannot say more. I leave for others more qualified and better acquainted with him to give a more full and detailed history of his noble life.

Mr. TIMMERMAN addressed the Convention as follows:

Mr. President: I had not anticipated saying a word on this solemn occasion, but it has just been suggested to me that I say something. And remembering the relations in which I have known and been associated with Dr. James O. Byrd, I feel prompted to add my humble testimonies to his worth. I have been associated with him as a member of the House of Representatives, in political conventions, in the State Medical Association, and as a member of the Senate, over which I have the honor to preside. As has been clearly said, he was a manly man, of prepossessing personal appearance, firm, bold, outspoken in his political convictions. I feel an attachment to him because we were members of that noble and humane profession to which I have devoted the best energies and best thoughts of my life for the relief of suffering humanity. He has had the honor of representing Darlington County in the House of Representatives, of which he was formerly a citizen—latterly of Florence County in the Senate, and he wore his honors worthily and well. And I am glad to add my humble testimonial to his distinguished name. By his sudden death we are reminded of that solemn warning: "Be ye also ready; at such an hour as ye think not, the Son of man cometh."

Mr. BURN addressed the Convention as follows:

Mr. President and Gentlemen of the Convention: It is proper that I, living in an adjoining County to that of Dr. J. O. Byrd, should indulge the tribute of a tear to his memory. We all stand appalled in the presence

of death. That vacant chair, draped in mourning, is a reminder that for each of us there will be a vacant chair. I knew something of his father in relation to the political affairs of Darlington County in the past. I did not enjoy the pleasure of knowing Dr. Byrd intimately, but I have met him quite a number of times. Where was he? On what mission was he engaged? He was always at the gatherings of the people. It was in their work, in their employ, that his sympathies and his labors were enlisted. The good that he has done will live after him. And now that in the prime of his manhood he has left us and entered "that bourne whence no traveler returns," it is only fitting that we should cherish his memory and honor a life devoted to the cause of the people. Having lived to such high and noble purpose, having been faithful to such great and eternal principles, we, while bowed in grief at his departure, can hope and trust for him a reward fitting the life that he lived and the principles that guided his conduct.

Mr. McCOWN addressed the Convention as follows :

Mr. President : I shall not attempt to eulogize my colleague, comrade and friend, the late Dr. James O. Byrd, and in paying this my last tribute of respect to one I truly loved and esteemed my friend, I desire to avoid the least semblance of indirect flattery.

Besides, Mr. President, I feel on this occasion, when his body scarcely lies cold in his grave to which this sad and sudden death has assigned him,—when heads are bowed in reverential grief, and hearts beat in mournful sorrow,—that to sing his praise or speak of his worth, merit, individuality or character to strangers is wholly unbecoming, especially by one professing and claiming his friendship, and to those who know him it is useless and unnecessary.

But, Mr. President, he possessed many fine traits of character. He was a man of unquestioned integrity and high honor; irrepressible moral and physical courage. But I came not to praise him. Why should I, by playing upon words, arouse the passions of man or the feeling of friends "to ope the source of sympathetic tears"?

Are not the dead provided for?

But it is said "the evil men do live after them, the good is often interred with the bones." Be it so, since he who is dead cannot be affected thereby; but I say, and it is an incentive to reward, that the good too which they do live after them. He had a happy home—an earthly boon—graced by a gentle wife and two lovely daughters. I noted this fact with pleasure while partaking of his royal and genuine hospitality. Now this happy home is shrouded in sadness. Where love ones are bereft, there is always a gloom of sorrow and sadness. Would that I could by word or deed displace this shadow with joy and sunshine.

But perhaps it is better that flesh should bear the ills that it is heir to, and that we should take a more philosophical view of death, looking to ourselves and the living, which we are more indebted to, "letting the dead past bury its dead."

To the living the note of warning is sounded, 'take heed, lest to-morrow ye die.'

Like our associate and friend, full of youthful vigor, robust, manly, wearing the bloom of perfect health upon his cheeks, moved and nerved by achievements won, by hope and expectations of plans projected and conceived, which to him can never ripen into fruition, we too may be called from the sphere of our usefulness, from the scene of our pleasures, from the joys of our associations, by the dreaded monster death, beyond that bourne from whence no traveler returns.

Verily, in the midst of life we are in death.

Mr. TALBERT addressed the Convention as follows :

MR. PRESIDENT: I deem it not amiss in me to say a word in reference to the death of Senator J. O. Byrd, by whose side I have sat for four weeks past. Until then I was not intimately acquainted with him, he living in the eastern and myself in the western portion of the State, and only knowing of his record as a public man. But since I have been a member of this Convention I have sat by his side during the deliberations of this body for four weeks, and have learned to respect and love him, and have come to know and believe that within his manly bosom burned a spark of pure patriotism, and that he was an honest man, the noblest work of God. And now, as I look around upon his recent chair, draped in mourning, where I have so often looked into his friendly face, it gives me great pleasure to add additional testimony to that already given by his colleagues, who knew him better, to his sterling qualities and real worth. He has been faithful to every trust and loyal to every cause entrusted to his hands by his people, whom he loved so well, and in whose service he yielded up his life.

The resolutions were unanimously adopted by a rising vote.

IN MEMORY OF

Hon. J. O. Byrd.

The Convention resumed the consideration of Section 29.

No. 10, report of Committee on Legislative Department.

Debate was continued by Messrs. Burn, Prince, Hutson, W. J. Montgomery, Ragsdale, B. R. Tillman, Stanyarne Wilson, Sheppard and Aldrich.

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows:

Yeas, 82; nays, 44.

Those who voted in the affirmative are:

Yeas—Messrs. Alexander, Anderson, Ashe, Atkinson, Austin, Barker, Behre, Bellinger, Bobo, Bowman, J. S. Brice, T. W. Brice, Bryan, Carver, DeHay, Dennis, Dent, Douglass, Doyle, Dudley, Efird, Estridge, Farrow, Fitch, Fraser, Gilland, J. L. Glenn, J. P. Glenn, Gooding, Gunter, Hay, Haynsworth, Hemphill, Howell, Hutson, T. E. Johnson, George Johnstone, Ira B. Jones, Wilie Jones, E. J. Kennedy, Klugh, Lee, McCaslan, McGowan, McMakin, Meares, Mitchell, Mower, Nathans, Nicholson, Otts, Parler, Patterson, Peake, Ragsdale, J. H. Read, John Reed, Rogers, Rosborough, Scarborough, Sheppard, Sloan, Smalls, Jeremiah Smith, W. C. Smith, Smoak, Stokes, Stribling, Sullivan, Talbert, Taylor, Timmerman, Von Kolnitz, Waters, Watson, Wells, Wharton, A. H. White, S. E. White, Wigg, Stanyarne Wilson, and Woodward.—82.

Those who voted in the negative are:

Nays—Hon. John Gary Evans, President, and Messrs. Aldrich, Barton, Bates, Bowen, Breazeale, Buist, Burn, Connor, Cunningham, Ellerbe, W. D. Evans, Field, Gage, Gray, Harris, Henry, Houser, Irby, Keitt, J. W. Kennedy, Lowman, Lybrand, McCalla, McCown, McKagen, McMahan, McWhite, Matthews, J. D. Montgomery, W. J. Montgomery, Moore, Morrison, Parrott, Perritte, Prince, Redfearn, Shuler, Singletary, Sligh, A. J. Smith, B. R. Tillman, G. D. Tillman, and Whipper.—44

At 2 P. M. the Convention receded from business until 8 P. M. this day.

RECESS.

The PRESIDENT resumed the chair at 8 P. M.

Calendar 10, report of Committee on Legislative Department.

Section 29. Mr. RAGSDALE offered the following amendment:

Add after the word "debt," on line 19 of Section 29, the following: "And no judgment creditor or other creditor whose lien does not bind the home-

stead shall have any right or equity to require that a lien which embraces the homestead and other property shall first exhaust the homestead."

After debate by Messrs. Ragsdale and Talbert, the question being put, the amendment was agreed to.

Mr. FRASER moved to amend as follows :

On line 7, after the word "dollars," insert : "The title to the homestead to be set off and assigned shall be absolute and be forever discharged from all debts of the said debtor then existing or thereafter contracted, except as hereinafter provided."

After debate by Messrs. Fraser, Sheppard, Ragsdale, Barker, Wells, Hutson, Stanyarne Wilson, and Haynsworth,

Mr. SHEPPARD moved to lay the amendment on the table ; which was not agreed to.

Mr. SHEPPARD moved to amend the amendment by striking out the words "or hereafter to be contracted."

Mr. RAGSDALE moved to lay the amendment to the amendment on the table ; which was agreed to.

The question being put, "Will the Convention agree to the amendment ?" (of Mr. Fraser) it was decided in the affirmative.

Mr. VON KOLNITZ offered the following amendment :

Insert on line 3, after the word "lands," "exclusive of the value of the improvements thereon."

Insert after "value," on line 4, the words "at the time of appraisal of said lands the sum of one thousand dollars."

After debate by Mr. VonKolnitz,

Mr. PRINCE moved to lay the amendment on the table ; which was agreed to.

Mr. GAGE moved to amend by striking out "entitled to," lines 5 and 6, printed Bill, and insert the word "having"; which was agreed to.

Mr. SLIGH moved to amend :

Line 4, after the word "estate" strike out the words "not to exceed in value" and insert in lieu thereof the words "to the value of."

Also line 6 after the word "property" strike out the words "not to exceed in value," and insert in lieu thereof the words "to the value thereof."

Mr. HOWELL moved to lay the amendment on the table ; which was agreed to.

Mr. PRINCE moved to strike out all after the word "State" on third line down to and including the word "dollars" on seventh line of printed Bill, and insert in lieu thereof the following :

Except as hereinafter excepted, property, real or personal, or both, of value in the aggregate of one thousand dollars, for a family homestead.

Mr. HOWELL moved to lay the amendment on the table ; which was agreed to.

Mr. PRINCE moved to strike out all after the word "to" on 10th line of printed Bill down to and including the word "jointly" on 13th line, and insert in lieu thereof the following :

"Such exemption of her property as may be sufficient to make out her husband's homestead; but in no event shall there be an exemption to the husband and wife jointly of property to the value of more than one thousand dollars."

Mr. HOWELL moved to lay the amendment on the table ; which was agreed to.

Mr. McMAHAN moved to amend as follows :

As a substitute for Section 29.

1. The dwelling house and surrounding 200 acres of land in the country, or the dwelling house and appurtenant lot in any town, in and upon which the owner resides as a homestead, shall be exempt from all legal process for debt, and shall not be mortgaged or otherwise pledged to secure a debt, but can be sold in entirety or in cut off portions : *Provided*, That the wife, if any, join with the husband.

2. The personal property of any citizen of this State to the value or $500 shall be exempt from all legal process for debts which may be over a year old.

After debate by Mr. McMahan,

Mr. HOWELL moved to lay the amendment on the table.

The question being put, "Will the Convention agree thereto ?" it was decided in the affirmative.

Yeas, 102 ; nays, 5.

Those who voted in the affirmative are :

Yeas—Hon. John Gary Evans, President, and Messrs. Alexander, Ashe, Atkinson, Austin, Barker, Barton, Behre, Bellinger, Bobo, Bowen, Bowman, Breazeale, J. S. Brice, T. W. Brice, Bryan, Buist, Burn, Carver, Connor, Cunningham, Dennis, Douglass, Doyle, Dudley, Efird, Ellerbe, Estridge, W. D. Evans, Field, Fraser, Gage, Gary, J. P. Glenn, Gooding, Gray, Gunter, Harris, Hay, Hayns-

worth, Hemphill, Henry, Houser, Howell, Hutson, Irby, T. E. Johnson, George Johnstone, Ira B. Jones, Wilie Jones, Keitt, J. W. Kennedy, Klugh, Lowman, McCown, McGowan, McKagen, McMakin, McWhite, Matthews, Mitchell, J. D. Montgomery, W. J. Montgomery, Morrison, Nathans, Nicholson, Otts, Parler, Perritte, Prince, Ragsdale, Redfearn, Rogers, Rosborough, Rowland, Scarborough, Sheppard, Shuler, Singletary, Sloan, Smalls, A. J. Smith, Jeremiah Smith, W. C. Smith, Smoak, Stokes, Stribling, Sullivan, Talbert, Taylor, B. R. Tillman, G. D. Tillman, Timmerman, Waters, Watson, Wells, Wharton, Whipper, A. H. White, Stanyarne Wilson, and Woodward.—102.

Those who voted in the negative are :

Nays—Messrs. Fitch, McMahan, Moore, Parrott, and Von Kolnitz.—5.

Mr. B. R. TILLMAN moved that the further consideration be postponed until to-morrow ; which was agreed to.

Mr. B. R. TILLMAN moved that all leaves of abence be rescinded, and that absent members be notified to return unless they have a physician's certificate as to sickness ; which was agreed to.

Calendar No. 34, Declaration of Rights.

Mr. ROGERS moved to reconsider the vote whereby Section 21 was adopted as a whole ; which was agreed to.

REPORTS OF STANDING COMMITTEES.

Mr. W. J. MONTGOMERY, for the Committee on Engrossed Resolutions and Ordinances, to whom was referred an Article relating to Charitable and Penal Institutions, reported that the same has been correctly engrossed and revised.

Ordered to a third reading to-morrow.

Mr. BELLINGER, for the Committee on Jurisprudence, submitted the following report, which was read the first time and ordered for consideration to-morrow :

To the Constitutional Convention :

The Committee to whom was referred the following resolutions :

1. By Mr. McWhite, to provide punishments, penal institutions and public charities, printed in the Journal for September 17th.

2. By Mr. Aldrich, in reference to the election of certain officers, Commissioners and existing laws.

Beg leave to report that they have considered the same and herewith submit for adoption the accompanying proposed Article on Jurisprudence.

Respectfully,

G. DUNCAN BELLINGER, Chairman.

ARTICLE —.

JURISPRUDENCE.

Section 1. The General Assembly shall pass such laws as may be necessary and proper to decide differences by arbitrators, to be appointed by the parties who may choose that summary mode of adjustment.

Section 2. It shall be the duty of the General Assembly to pass the necessary laws for the change of venue in all cases, civil and criminal, over which the Circuit Courts have original jurisdiction, upon a proper showing, supported by affidavit, that a fair and impartial trial cannot be had in the County where such trial or prosecution was commenced. The State shall have the same right to move for a change of venue that a defendant has. Unless a change of venue be had under the provisions of this Article the defendants shall be tried in the County where the offense was committed.

Section 3. Justice shall be administered in a uniform mode of pleading, without distinction between law and equity.

Section 4. Every Statute shall be a public law unless otherwise declared in the Statute itself.

Section 5. The General Assembly, at its first session after the adoption of this Constitution, shall provide for the appointment of one or more Commissioners, whose duty it shall be to collect and revise all the general statute civil law of this State then of force as well as that which shall be passed from time to time, and to properly index and arrange the said statutes when so passed. And the said Commissioner or Commissioners shall reduce into a systematic Code the general civil statutes, including the Code of Civil Procedure, with all the amendments thereto, and shall, on the first day of the session for the year 1900, and at the end of every subsequent period, not more than of ten years, report the result of his or their labors to the General Assembly, with such recommendations and suggestions as to the abridgement and amendments as may be deemed necessary or proper. And a like Commission, with the same duties and powers, shall be appointed to collect, revise and reduce into a criminal code all the penal and criminal statutes of the State. Said reports, when ready to be made, shall be printed, and a copy thereof laid upon the desk of each member of both Houses of the General Assembly on the first day of the session, but shall not be taken up for consideration within less than ten days thereafter. The said codes shall be read at length but once in each branch of the General Assembly, and shall thereafter be deemed and taken by all Courts to contain exclusively all the general statute law of the State, except such as may be passed during the same session at which said codes may be adopted; but no alterations or additions to any of the laws therein contained shall be made except under the formalities heretofore prescribed for the passage of laws. Provision shall be made by law for filling vacancies, regulating the terms of office and the compensation of said Commissioners, and imposing such other duties as may be desired. And the General Assembly shall, by committee, inquire into the progress of their work at each session.

Mr. BELLINGER offered the following amendment to the report of the Committee on Jurisprudence; which was ordered printed in the Journal:

Amend Article on jurisprudence by adding as Section 6:

In the case of any prisoner lawfully in the charge, custody or control of any officer, State, County or municipal, being seized and taken from said officer, either by force or strategy, by a mob or other unlawful assemblage of persons, and at their hands suffering bodily violence or death, the said officer shall be deemed guilty of a misdemeanor, and upon true bill found shall be deposed from his office pending his trial, and upon his conviction shall forfeit his office, and shall, unless pardoned by the Governor, henceforth be ineligible to hold any office of trust or profit within this State. It shall be the duty of the Prosecuting Attorney within whose district or County the offense may be committed to forthwith institute a prosecution against said officer, who shall be indicted and tried in such County, other than the one in which the offense was committed, as the Attorney General may elect. The fees and mileage of all material witnesses, both for the State and for the defense, shall be paid by the State Treasurer in such manner as may be provided by law.

Calendar No. 34. Mr. GEO. JOHNSTONE moved to reconsider the vote whereby Section 27 was adopted, striking out all after the word "fraud."

The pending question being the motion of Mr. Geo. Johnstone.

On motion of Mr. STANYARNE WILSON, the Convention, at 10:15 P. M., adjourned until 10 A. M. to-morrow.

TWENTY-SIXTH DAY.

Friday, October 18, 1895.

The Convention assembled at 10 A. M.

The Secretary called the roll.

The PRESIDENT took the chair.

A quorum being present, the proceedings were opened with prayer by the Rev. Mr. ABNEY.

The Journal of yesterday's proceedings was read and confirmed.

LEAVES OF ABSENCE

Were granted the following : Messrs Sligh, Mower, Mitchell, D. S. Henderson, Ragsdale, J. D. Montgomery, until Monday next.

Mr. IRA B. JONES arose to a point of order as to the interpretation of Rule 32.

Mr. EFIRD moved that Rule 32 be recommitted to the Committee on Rules for revision.

Which was agreed to.

THIRD READING.

Calendar No. 19, relating to Charitable and Penal Institutions.

Mr. PRINCE offered the following amendment :

Strike the following words out of Section 7: "Including County and municipal almshouses, jails and prisons."

Mr. GOODING moved to lay the amendment on the table ; which was refused.

Mr. BREAZEALE moved to strike out Section 7; which was agreed to.

The Article as amended was read the third time, adopted as amended, and ordered referred to Committee on Order, Style and Revision.

UNFINISHED BUSINESS.

Calendar No. 10, report of Committee on Legislative Department, Mr. Sligh for Committee.

Calendar No. 34, proposed Article 1 of the Constitution, being the Declaration of Rights, Mr. Mower for Committee.

On motion of Mr. SLIGH, both were passed over for the present.

GENERAL ORDERS.

Second Reading.

Calendar No. 11, resolution as to judgments, report unfavorable, Mr. Hodges for Committee.

On motion of Mr. EFIRD, was passed for the present.

Calendar No. 12, Article IX of the Constitution as proposed by Committee on Finance and Taxation.

Section 1. Mr. GEORGE JOHNSTONE moved to amend as follows : To add to Section 1 the words "derived from investments that are not liable to taxation."

On motion of Mr. W. D. EVANS, the amendment was laid on the table.

Mr. ALDRICH offered the following amendment: Add to the end of Section 1 the words "and may raise revenues by license taxes upon trades, professions, avocations and employments, and in such other ways as the General Assembly may decide upon."

On motion of Mr. B. R. TILLMAN, the amendment was laid on the table.

Mr. B. R. TILLMAN moved to amend as follows: Add to end of the Section the words "and may provide for licenses on occupation and business;" which was agreed to.

Mr. BARKER moved to amend as follows: By inserting after the word "incomes" on line 9 (printed Bill) the words "and except incomes from agricultural production."

Mr. PRINCE moved to lay the amendment on the table.

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

Yeas, 98; nays, 27.

Those who voted in the affirmative are:

Yeas—Hon. John Gary Evans, President, and Messrs. Aldrich, Alexander, Anderson, Austin, Barry, Barton, Bates, Bellinger, Bobo, Bowen, Bowman, Breazeale, Bryan, Buist, Burn, Cantey, Carver, Connor, Cunningham, Dennis, Douglass, Efird, Ellerbe, Estridge, W. D. Evans, Field, Fraser, Gary, Gilland, J. P. Glenn, Gooding, Gray, Gunter, Harris, Haynsworth, Henry, Hutson, Irby, George Johnstone, Ira B. Jones, Wilie Jones, Keitt, Klugh, Lee, Lowman, Lybrand, McCown, McGowan, McKagen, McMahan, McWhite, Matthews, Meares, Mitchell, J. D. Montgomery, W. J. Montgomery, Moore, Morrison, Mower, Nash, Nathans, Nicholson, Oliver, Otts, Parler, Patterson, Peake, Perritte, Prince, Ragsdale, Rogers, Rosborough, Rowland, Scarborough, Sheppard, Shuler, Singletary, Sloan, A. J. Smith, Jeremiah Smith, W. C. Smith, Smoak, Stokes, Stribling, Sullivan, Talbert, B. R. Tillman, G. D. Tillman, Timmerman, Von Kolnitz, Waters, Watson, Wells, Wharton, Stanyarne Wilson, and Woodward.—98.

Those who voted in the negative are:

Nays—Messrs. Ashe, Atkinson, Barker, Behre, J. S. Brice, T. W. Brice, Dent, Doyle, Dudley, Farrow, Fitch, Gage, J. L. Glenn, Hemphill, Howell, T. E. Johnson, E. J. Kennedy, J. W. Kennedy, McMakin, Parrott, J. H. Read, Redfearn, Smalls, Taylor, A. H. White, S. E. White, and Wigg.—27.

Mr. MEARES moved to amend by inserting before the word "license" in Mr. Tillman's amendment the word "graduated;" which was agreed to.

Also, on line 9 (printed Bill) insert the word "graduated" between the letter "a" and the word "tax;" which was agreed to.

Mr. JEREMIAH SMITH moved to strike out from and including "*Provided*" on line 6 to and including "property" on line 8.

The question being put, "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were demanded, and are as follows:

Yeas, 63; nays, 64.

Those who voted in the affirmative are:

Yeas—Hon. John Gary Evans, President, and Messrs. Alexander, Anderson, Atkinson, Austin, Barry, Bates, Behre, Bellinger, Bobo, Bowman, Breazeale, T. W. Brice, Burn, Carver, Dennis, Dent, Ellerbe, Estridge, Farrow, Fraser, Gage, Garris, J. L. Glenn, Gooding, Gray, Gunter, Harris, Hemphill, Henry, Houser, Howell, Irby, Ira B. Jones, McGowan, McMakin, McWhite, Meares, J. D. Montgomery, W. J. Montgomery, Morrison, Mower, Otts, Parler, Peake, Perritte, Ragsdale, Rogers, Rosborough, Rowland, Sheppard, Singletary, Smalls, A. J. Smith, Jeremiah Smith, W. C. Smith, Smoak, B. R. Tillman, G. D. Tillman, Waters, Whipper, Wigg, and Stanyarne Wilson.—63.

Those who voted in the negative are:

Nays—Messrs. Aldrich, Ashe, Barker, Barton, Bowen, J. S. Brice, Bryan, Buist, Cantey, Connor, Cunningham, Douglass, Doyle, Dudley, Efird, W. D. Evans, Field, Fitch, Gary, Gilland, J. P. Glenn, Hay, Haynsworth, Hutson, T. E. Johnson, George Johnstone, Wilie Jones, Keitt, E. J. Kennedy, J. W. Kennedy, Klugh, Lee, Lowman, Lybrand, McCown, McKagen, McMahan, Matthews, Mitchell, Moore, Nash, Nathans, Nicholson, Oliver, Parrott, Patterson, Prince, J. H. Read, Redfearn, Scarborough, Shuler, Sloan, Stokes, Stribling, Sullivan, Talbert, Taylor, Timmerman, Von Kolnitz, Watson, Wells, A. H. White, S. E. White, and Woodward.—64.

Mr. DUDLEY moved to amend by adding the following to the end of Section 1 as amended:

Provided, further, That the General Assembly shall impose a capitation tax upon dogs and provide a bounty on sheep of twenty-five cents per head, to be paid from such tax.

On motion of Mr. TIMMERMAN, the proposed amendment was laid on the table.

Mr. B. R. TILLMAN moved the following substitute for the proviso, line 6 :

The General Assembly shall provide for the annual collection of a tax of one dollar on every dog in the State, to be paid by the owner thereof, the proceeds of which shall be appropriated to the public schools of the respective Counties.

After debate by Messrs. G. D. Tillman, Barker, W. D. Evans, Otts, B. R. Tillman, J. D. Montgomery, Wigg, Howell and McMahan,

The yeas and nays were demanded.

The question being put : "Will the Convention agree thereto ?" it was decided in the negative.

Yeas, 24 ; nays, 101.

Those who voted in the affirmative are :

Yeas—Messrs. Burn, Dent, Dudley, Gooding, Harris, Hutson, Klugh, McCown, McGowan, McMahan, W. J. Montgomery, Moore, Parrott, Perritte, Rogers, Singletary, A. J. Smith, W. C. Smith, Sullivan, B. R. Tillman, G. D. Tillman, Waters, Watson, and Wells.—24.

Those who voted in the negative are :

Nays—Hon. Jno. Gary Evans, President, and Messrs. Aldrich, Alexander, Anderson, Ashe, Atkinson, Austin, Barker, Barry, Barton, Bates, Behre, Bellinger, Bobo, Bowen, Bowman, Breazeale, J. S. Brice, T. W. Brice, Bryan, Buist, Cantey, Carver, Connor, Cunningham, Dennis, Douglass, Doyle, Efird, Ellerbe, Estridge, W. D. Evans, Farrow, Field, Fitch, Fraser, Gage, Garris, Gary, Gilland, J. L. Glenn, J. P. Glenn, Gray, Gunter, Hay, Haynsworth, Hemphill, Henry, Houser, Howell, Irby, George Johnstone, Ira B. Jones, Wilie Jones, Keitt, E. J. Kennedy, J. W. Kennedy, Lowman, Lybrand, McKagen, McMakin, McWhite, Matthews, Meares, Mitchell, J. D. Montgomery, Morrison, Mower, Murray, Nash, Nathans, Oliver, Parler, Patterson, Peake, Prince, Ragsdale, J. H. Read, Redfearn, Rosborough, Rowland, Scarborough, Shuler, Sloan, Smalls, Jeremiah Smith, Smoak, Stokes, Stribling, Talbert, Taylor, Timmerman, Von Kolnitz, Wharton, Whipper, A. H. White, S. E. White, Wigg, Stanyarne Wilson, and Woodward.—101.

Mr. S. E. WHITE moved to amend Section 7 by striking out all after the word "Assembly" on 7th line down to "property" on 8th line, and substitute therefor the words "shall impose an annual tax upon all dogs."

The PRESIDENT ruled that a similar amendment having been voted down, it could not be received.

Mr. TAYLOR moved to amend as follows: Strike out the first proviso, and insert: "*Provided*, The General Assembly may levy a per capita tax on dogs not to exceed one dollar."

Mr. OTTS moved to lay the motion to amend on the table.

The yeas and nays were demanded, and it was decided in the affirmative.

Yeas, 83; nays, 40.

Those who voted in the affirmative are:

Yeas—Hon. Jno. Gary Evans, President, and Messrs. Aldrich, Alexander, Anderson, Ashe, Austin, Barry, Barton, Bates, Bellinger, Bobo, Bowen, Breazeale, T. W. Brice, Buist, Cantey, Carver, Cunningham, Dennis, Douglass, Doyle, Efird, Ellerbe, Estridge, W. D. Evans, Farrow, Field, Fitch, Fraser, Gage, Garris, J. L. Glenn, Gray, Hay, Haynsworth, Hemphill, Henry, Houser, Howell, Irby, T. E. Johnson, Ira B. Jones, Wilie Jones, Keitt, J. W. Kennedy, Lowman, Lybrand, McKagen, McMakin, Matthews, Meares, Mitchell, J. D. Montgomery, Morrison, Mower, Murray, Nash, Otts, Parler, Patterson, Peake, Prince, Ragsdale, Rosborough, Rowland, Scarborough, Shuler, Sloan, Smalls, A. J. Smith, Jeremiah Smith, W. C. Smith, Smoak, Stribling, Talbert, Timmerman, Von Kolnitz, Wharton, Whipper, A. H. White, Wigg, Stanyarne Wilson, and Woodward.—83.

Those who voted in the negative are:

Nays—Messrs. Atkinson, Barker, Bowman, Bryan, Burn, Connor, Dent, Dudley, Gary, J. P. Glenn, Gooding, Gunter, Harris, Hutson, George Johnstone, E. J. Kennedy, Klugh, Lee, McCown, McGowan, McMahan, McWhite, W. J. Montgomery, Moore, Nicholson, Parrott, Perritte, J. H. Read, Redfearn, Rogers, Sheppard, Singletary, Sullivan, Taylor, B. R. Tillman, G. D. Tillman, Waters, Watson, Wells, and S. E. White.—40.

The Section as amended was adopted.

Section 2. Mr. W. D. EVANS moved to adjourn debate on this Section, and that it be taken up in connection with the report of the Committee on Education; which was agreed to.

Section 3. Mr. JEREMIAH SMITH moved to adjourn debate on Section 3 to 10 A. M. to-morrow; which was agreed to.

Section 4 was adopted as reported by the Committee.

Section 5. Mr. BATES moved to amend as follows: By inserting the word "parsonages" between the words "churches" and "and" on line 7; which was agreed to.

Also, by inserting the word "parsonages" between the words "churches" and "and" on line 11; which was agreed to.

On motion of Mr. BATES, further consideration of the Section was passed for the present.

Section 6. Mr. BELLINGER moved to amend line 5 by inserting between the words "property" and "except" the words "including the capital stock of banks and banking institutions;" which was agreed to.

Mr. PRINCE moved to reconsider the vote whereby the amendment proposed by Mr. BELLINGER had been adopted; which was agreed to.

After debate, participated in by Messrs. Bellinger, Prince, Ragsdale and Aldrich,

Mr. PRINCE moved to lay the proposed amendment on the table; which was agreed to.

Mr. RAGSDALE moved to amend Section 6, line 6, by adding after the word "taxed" the words "for corporate purposes and;" which was agreed to.

On motion of Mr. STANYARNE WILSON, further debate was adjourned to 8 P. M. this day.

Section 7. Mr. KEITT moved to amend by striking out all after the word "corporation," on line 3, and inserting the following: "The General Assembly shall not have power to delegate to any County, township, municipal corporation or other political division of the State the right to levy taxes in support of enterprises of individuals, associations or corporations."

The pending question being the proposed amendment, and Mr. Keitt having the floor, the Convention, at 2 P. M., receded from business until 8 P. M. this day.

RECESS.

The PRESIDENT resumed the chair at 8 P. M.

Mr. McCOWN moved to take up out of its order

No. 45, resolution relating to the filling of a vacancy in the Convention from Florence County;

Which was agreed to.

Mr. McCOWN offered the following additional resolution:

Resolved, further, That the President be, and he is hereby, authorized to fill said vacancy by appointment.

Mr. FRASER moved that the matter be referred to the Committee on Judiciary, with instruction to report at the earliest moment; which was agreed to.

LEAVES OF ABSENCE.

Indefinite leave of absence was granted Messrs. Bellinger and Sprott on account of sickness, Mr. Nathans until Tuesday next, and Mr. Lybrand until Monday next.

The Convention resumed the consideration of Calendar No. 12. Article IX of the Constitution, as proposed by Committee on Finance and Taxation.

Mr. MEARES moved to amend Section 6 by striking out "may" on line 2 and inserting "shall;" which was agreed to.

Mr. W. D. EVANS moved to reconsider the vote whereby the word "may" was ordered stricken out and "shall" inserted; which was agreed to.

Mr. W. D. EVANS moved to lay the amendment on the table; which was agreed to.

Mr. J. H. READ moved to amend Section 6 by adding the following: "*Provided,* That nothing herein shall prevent the issuing of bonds for the purpose of paying or refunding any valid municipal debt heretofore contracted in excess of eight per centum of the assessed value of all the taxable property therein;" which was agreed to.

Mr. B. R. TILLMAN moved to amend line 7 by striking out "any" and inserting the word "the;" which was agreed to.

Also, same line, by striking out the words "hereafter incurred by" and inserting the word "of;" which was agreed to.

Mr. MEARES moved to amend as follows: Line 5 after the word "exempted" insert the words "or herein permitted to be."

Mr. STANYARNE WILSON moved to lay the amendment on the table.

The question being put, "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were demanded, and are as follows:

Yeas, 35; nays, 85.

Those who voted in the affirmative are:

Yeas—Messrs. Alexander, Ashe, Austin, Barry, Behre, Bobo, Bowen, Carver, Connor, Cunningham, Douglass, Doyle, Efird, Estridge, W. D. Evans, Field, Gooding, Gunter, Houser, T. E. Johnson, George Johnstone, Keitt, Lybrand, Moore, Otts, Redfearn, Rowland, Shuler, Smoak, Stokes, Stribling, Talbert, Waters, Stanyarne Wilson, and Woodward.—35.

Those who voted in the negative are :

Nays—Hon. John Gary Evans, President, and Messrs. Aldrich, Atkinson, Barker, Barton, Bates, Bowman, Breazeale, J. S. Brice, T. W. Brice, Bryan, Buist, Burn, Cantey, Dennis, Dudley. Ellerbe, Farrow, Fitch, Fraser, Gage, Garris, Gary, Gilland, J. L. Glenn, J. P. Glenn, Gray, Harris, Hay, Haynsworth, Hemphill, Henry, Howell, Hutson, Ira B. Jones, Wilie Jones, E. J. Kennedy, J. W. Kennedy, Klugh, Lee, Lowman, McCown, McGowan, McKagen, McMahan, McMakin, McWhite, Meares, J. D. Montgomery, W. J. Montgomery, Morrison, Nash, Nathans, Nicholson, Oliver, Parler, Parrott, Patterson, Peake, Perritte, Prince, J. H. Read, I. R. Reed, Rogers, Rosborough, Scarborough, Sheppard, Singletary, Sloan, A. J. Smith, Jeremiah Smith, W. C. Smith, Sullivan, Taylor, B. R. Tillman, G. D. Tillman, Timmerman, Von Kolnitz, Watson, Wells, Wharton, Whipper, A. H. White, S. F. White, and Wigg.—85.

The amendment was then adopted.

Mr. B. R. TILLMAN moved to amend by adding to the end of the Section the following, which was agreed to :

No County, township, municipal corporation or other political division of this State shall hereafter be authorized to increase its bonded indebtedness, if at the time of any proposed increase thereof the aggregate amount of its already existing bonded debt amounts to eight per centum of the value of all taxable property therein as ascertained by the valuation for State taxation.

And whenever there shall be several political divisions or municipal corporations covering or extending over the same territory or portions thereof, possessing a power to levy a tax or contract a debt, then each of such political divisions or municipal corporations shall so exercise its power to increase its debt under the foregoing eight per cent. limitation that the aggregate debt over and upon no territory of this State shall ever exceed fifteen per centum of the value of all taxable property in such territory as declared for taxation by the State.

Mr. IRA B. JONES moved to amend by inserting the word "township" after "Counties," on line 1 ; which was agreed to.

Also, insert "township school district" after "County," on line 7 ; which was agreed to.

Also, insert "or subdivision" after "political division," on line 8 ; which was agreed to.

The Section as amended was then adopted.

Section 7. Mr. KEITT resumed his remarks upon the amendment proposed by him just prior to the recess.

Mr. PRINCE moved to lay the amendment on the table ; which was agreed to.

Mr. BREAZEALE moved to amend as follows: Line 8, by striking out the words "debts heretofore existing" and inserting the words "past indebtedness;" which was agreed to.

Mr. STANYARNE WILSON moved to amend as follows: Insert after "Courts," line 7, the words "and for ordinary County purposes;" which was agreed to.

Mr. B. R. TILLMAN offered the following: Amend line 5, after the word "tax" insert the words "or issue bonds;" which was agreed to.

Mr. BARKER moved to amend line 1 by striking out the word "to" and inserting the words "for the benefit of;" which was agreed to.

Mr. W. D. EVANS moved to amend line 4 by striking out the words "to delegate to" and insert in line thereof the word "authorize;" which was agreed to.

Also, on same line, to strike out the words "the right;" which was agreed to.

Mr. GARY moved to amend by adding on line 3, after the word "owner," the word "of;" which was agreed to.

Section 7 was adopted as amended.

Section 8. Mr. W. D. EVANS moved that debate be adjourned on this Section, to be resumed in connection with the report of Committee on Education; which was agreed to.

Section 9, on motion of Mr. B. R. TILLMAN, was stricken out.

Sections 10, 11 and 12 were adopted as reported by the Committee.

Section 13. Mr. ELLERBE moved to strike out the word "November" and insert the word "January;" which was agreed to.

The Section as amended was adopted.

Section 14. Mr. BUIST moved to amend line 12 by striking out "twenty" and inserting "thirty."

Mr. W. D. EVANS moved to amend the amendment by adding before the word "twenty" the words "not less than," and after the word "twenty," on the same line, the words "nor more than forty;" which was agreed to.

Mr. PATTERSON moved to strike out the word "people," on line 7, and insert the word "qualified voters;" which was agreed to.

Mr. BATES moved to amend by striking out "a further debt," on line 9, and inserting in lieu thereof the words "increasing the debt, the;" which was agreed to.

The Section as amended was adopted.

Section 15 was adopted as reported by Committee.

Section 16, on motion of Mr. PATTERSON, was stricken out.

Section 17. Mr. W. D. EVANS moved that further debate on this Section be adjourned for the present; which was agreed to.

Calendar No. 35. "*Resolved*, That speeches be limited to ten minutes on all subjects except the suffrage question."

Mr. ALDRICH moved to lay the resolution on the table.

The question being put: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 51; nays, 61.

Those who voted in the affirmative are:

Yeas—Messrs. Aldrich, Austin, Barry, Bates, Bowen, J. S. Brice, Bryan, Cantey, Efird, Ellerbe, W. D. Evans, Farrow, Fitch, Fraser, Gage, J. L. Glenn, Hemphill, Howell, Hutson, George Johnstone, Wilie Jones, Keitt, E. J. Kennedy, Klugh, Lee, McCown, McGowan, McKagen, McMahan, McWhite, Meares, J. D. Montgomery, W. J. Montgomery, Nicholson, Peake, Perritte, Rogers, Sheppard, Shuler, Singletary, Sloan, A. J. Smith, Jeremiah Smith, W. C. Smith, Stokes, G. D. Tillman, Watson, Whipper, A. H. White, and Wigg.—51.

Those who voted in the negative are:

Nays—Hon. Jno. Gary Evans, President, and Messrs. Alexander, Ashe, Atkinson, Barker, Barton, Bobo, Bowman, Breazeale, T. W. Brice, Buist, Burn, Carver, Connor, Cunningham, Dennis, Douglass, Doyle, Dudley, Estridge, Field, Gary, Gilland, J. P. Glenn, Gooding, Gunter, Harris, Hay, Houser, T. E. Johnson, Ira B. Jones, J. W. Kennedy, Lowman, Lybrand, McMakin, Moore, Morrison, Nash, Nathans, Otts, Parler, Parrott, Patterson, Prince, J. H. Read, Redfearn, Rosborough, Rowland, Smoak, Stribling, Sullivan, Talbert, Taylor, B. R. Tillman, Timmerman, Waters, Wells, Wharton, S. E. White, Stanyarne Wilson, and Woodward.—61.

Mr. HUTSON moved to indefinitely postpone the whole matter.

The question being put, the Convention refused to indefinitely postpone.

Mr. ALDRICH moved to amend by adding "except by consent of the Convention;" which was agreed to.

Mr. STANYARNE WILSON called the previous question on the whole matter; which was agreed to.

The question being upon the adoption of the resolution.

The question being put: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 41; nays, 67.

Those who voted in the affirmative are :

Yeas—Hon. Jno. Gary Evans, President, and Messrs. Atkinson, Austin, Barton, Bobo, Bowman, Breazeale, T. W. Brice, Buist, Burn, Carver, Dennis, Douglass, Doyle, Estridge, Field, Gary, Gilland, J P. Glenn, Gooding, Gunter, Harris, Hay, Houser, T. E. Johnson, Lowman, Lybrand, McMakin, Moore, Morrison, Parrott, Prince, J. H. Read, Redfearn, Rosborough, Rowland, Smoak, Stribling, Sullivan, Talbert, Taylor, Timmerman, Waters, Wells, Wharton, Stanyarne Wilson, and Woodward.—47.

Those who voted in the negative are :

Nays—Messrs. Aldrich, Ashe, Barker, Barry, Bates, Bowen, J. S. Brice, Bryan, Cantey, Connor, Cunningham, Dudley, Efird, Ellerbe, W. D. Evans, Farrow, Fitch, Fraser, Gage, Garris, J. L. Glenn, Gray, Haynsworth, Hemphill, Howell, Hutson, George Johnstone, Ira B. Jones, Wilie Jones, Keitt, E. J. Kennedy, J. W. Kennedy, Klugh, Lee, McCown, McGowan, McKagen, McMahan, McWhite, Meares, J. D. Montgomery, W. J. Montgomery, Nash, Nathans, Nicholson, Otts, Parler, Patterson, Peake, Perritte, Rogers, Scarborough, Sheppard, Shuler, Singletary, Sloan, A. J. Smith, Jeremiah Smith, W. C. Smith, Stokes, B. R. Tillman, G. D. Tillman, Watson, Whipper, A. H. White, S. E. White, and Wigg.—67.

Mr. ELLERBE moved to reconsider the vote whereby the Convention rejected the resolution, and to lay that motion on the table ; which was agreed to.

REPORT OF STANDING COMMITTEE.

Mr. GARY submitted the following :

The Committee on Jurisprudence, to whom was referred an ordinance fixing the age of consent, introduced by Mr. McGowan, and printed in the Journal of the twelfth day, on page 6 thereof, respectfully report that they have carefully considered the same, and recommend that the ordinance be adopted with the following amendment: Strike out "sixteen (16)" on the last line thereof and insert "fifteen (15)."

All of which is respectfully submitted.

FRANK B. GARY, for Committee.

ORDINANCE FIXING THE AGE OF CONSENT.

Be it ordained by the people of South Carolina, in convention assembled, That the following shall constitute Section — of Article — of the Constitution of this State :

That no woman shall legally consent to marriage or sexual intercourse who shall not have attained the age of sixteen (16) years.

Which was read the first time and ordered for consideration to-morrow.

Mr. E. J. KENNEDY introduced the following ordinance, which was read the first time and ordered for consideration to-morrow, printing and reference dispensed with :

The General Assembly shall not be inhibited from enacting such laws as may be necessary to provide for validating and carrying into effect subscription heretofore made by Chesterfield County to the capital stock of any railroad corporation.

Mr. STOKES moved that No. 30, report of Committee on Corporations, be made a special order at 12 M. on Thursday next and from day to day thereafter until disposed of; which was agreed to.

On motion of Mr. STANYARNE WILSON, the Convention, at 10:20 P. M., adjourned until 10 A. M. to-morrow.

TWENTY-SEVENTH DAY.

Saturday, October 19, 1895.

The Convention assembled at 10 o'clock A. M.

The Secretary called the roll.

The PRESIDENT took the chair.

A quorum being present, the deliberations were opened with prayer by the Rev. Mr. ABNEY.

The Journal of yesterday's proceedings was read and confirmed.

LEAVES OF ABSENCE

Were granted to Messrs. Houser, Meares, Irby and T. W. Brice until Monday evening, and to Messrs. Wells and Von Kolnitz until Tuesday at 12 M., and to Messrs. Rogers and Singletary until Wednesday night, and indefinite leave to Mr. Cooper on account of sickness.

RESOLUTIONS, ETC.

Mr. SHEPPARD offered the following resolution, which was considered immediately and agreed to :

Resolved, That the Committee on Contingent Accounts and Expenses be, and is hereby, requested to present for the consideration of the Convention an ordinance providing for the disbursement of the appropriation made by the General Assembly to defray the expenses of this Convention.

Mr. BREAZEALE offered the following resolution, which was considered immediately and agreed to :

Resolved, That the names of James Adamson and Aaron Owens, who have been engaged by the Secretary of the State as laborers to attend to duties connected with the State House made necessary by the assembling of the Convention, be added to the laborers of the Convention and be entitled to their pay for the time they have been employed.

PETITION.

Mr. W. J. MONTGOMERY presented the following petition, which was received as information, printing and reference dispensed with :

THE STATE OF SOUTH CAROLINA, }
COUNTY OF MARION. }

To the Hon. John Gary Evans, President, and the Honorables the Members of the Constitutional Convention of the State of South Carolina :

The subscribing ladies of the town of Marion, of the County and State aforesaid, respectfully petitioning, beg leave to show,—

That whereas, from the very nature of things, there can be no sex in morals and intelligence; that whereas the principles of political reasoning in accordance with which men are given the right to vote applies with equal conclusiveness in regard to the exercise of this right by women (particularly under a free democratic Constitution), since true democracy maintains that every individual is born with an equal right to the protection and consideration of the law, and affirms that every one must have a vote in order to secure this fundamental right; that whereas the spirit of our form of government is such as requires that no man's property shall be taken for the purposes of government without his consent, and since, therefore, the law allows women to hold and manage property, it seems anomalous and inconsistent that it should refuse them a vote to protect their property from inordinate taxation and the consequences generally of weak or vicious government, and class them along with the minor, the idiot, the lunatic and the criminal; that whereas the exclusion from the suffrage founded on color has long since perished, it is a matter of deep humiliation to your petitioners that the only other exception should be founded on sex alone; and whereas that from these and other incontestible grounds your petitioners are firmly persuaded that the disfranchisement of

women is an utter anomaly in the Constitution of a free people that boasts of "equal laws and equal rights," and a most unjust discrimination against equally free-born, moral, intelligent and property-holding individuals;

Wherefore your petitioners earnestly entreat that justice be accorded the good women of South Carolina, and to this end that the proposition regarding the enfranchisement of women now pending before your honorable body have early and favorable consideration at your hands and be incorporated in the organic law of the grand old Commonwealth, whose future is as dear to the hearts of her daughters as to those of her sons.

And your petitioners will ever pray, etc.

Mrs. M. I. McMillan,
Mrs. Junius H. Evans,
Miss M. C. Shaffer,
Mrs. W. H. Cross,
Mrs. W. S. Martin,
Miss Kate DuBois,
Mrs. W. A. McNeill,
Mrs. A. L. Evans,
Mrs. Samuel Evans,
Miss Claudia Durant,
Mrs. C. E. Leitner,
Mrs. M. R. Atkinson,
Mrs. J. W. Johnson,
Mrs. P. Y. Bethea,
Miss L. S. Reaves,
Mrs. R. J. Blackwell,
Mrs. W. L. Durant,
Miss Jennie Durant,
Mrs. K. L. Benson,
Miss Lane Privett,
Mrs. W. A. Brown,
Mrs. Kate Lillie Blue,
Mrs. W. J. Montgomery,
Miss Mary Oliver,
Miss Kate Shaffer,
Mrs. Tom Jones,
Mrs. Eliza J. Evans,
Mrs. C. A. Woods,
Mrs. C. B. Whilden,
Miss D. H. Shaffer,
Mrs. J. D. Lucas,
Mrs. P. B. Sellers,
Mrs. E. B. Wheeler,
Mrs. E. H. Gasque,
Mrs. Emily Evans,
Miss Pauline Durant,
Mrs. W. W. Durant,
Mrs. Geo. Edwards,
Mrs. E. T. Wilcox,
Mrs. John Wilcox,
Mrs. L. M. Reaves,
Miss Mary Edwards,
Mrs. J. T. DuBois,
Miss Annie Durant,
Miss Sallie DuBois,
Mrs. J. T. Brown,
Mrs. J. O. Brown,
Mrs. J. C. Shecut,
Mrs. Henrietta Blue,
Mrs. Lillian Durant Clayton,
Mrs. C. A. Durham,
Mrs. G. W. McKerall,
Mrs. W. L. Hewitt,
Mrs. W. H. Lyde.

REPORTS OF STANDING COMMITTEES.

Mr. SHEPPARD, for the Committee on Rules, submitted the following report, which was considered immediately and agreed to:

To the President and Members of the Convention:

The Committee on Rules, to which was recommitted Rule 32, respectfully report the accompanying Rule as a substitute for Rule 32, and recommend its adoption.

All of which is respectfully submitted.

J. C. SHEPPARD, for Committee.

RULE 32.

On the third reading of a Resolution for revising, amending or changing the Constitution, amendments shall be in order as on the second reading.

Mr. SHEPPARD, for the Committee on Rules, submitted the following report, which was read the first time and ordered for consideration to-morrow :

To the President and Members of the Convention :

The Committee on Rules respectively report the accompanying resolution, and recommend its adoption.

All of which is respectfully submitted.

J. C. SHEPPARD, for Committee.

Resolved, That all ordinances of this Convention after ratification by the President and Secretary be delivered by the Secretary to the Secretary of State for permanent preservation; that all resolutions adopted by this Convention, after the adjournment thereof, shall be delivered by the Secretary to the Secretary of State for permanent preservation; that the Constitution after adoption by the Convention, and ratification as prescribed in Rule 42, shall be delivered by the Secretary to the Secretary of State for permanent preservation; that under the supervision of the Secretary of State the Constitution shall be printed, and five hundred copies thereof bound in suitable form and be deposited in the State Library to be disposed of as follows, to wit:

1. One copy thereof to be forwarded to each member of this Convention.
2. One copy to each of the Supreme and Circuit Judges in this State.
3. One copy to each Circuit Solicitor in this State.
4. Three copies to the Supreme Court Library of this State.
5. One copy to each chartered college in this State.
6. To the Governor of each State in the Union, for the use of the State, one copy, and one copy to each Territory.
7. To the Library of Congress two copies.
8. To the heads of departments at Washington, for the use of their departments, one copy.
9. One copy to the Historical Society of South Carolina.

The remaining copies to be sold by the State Librarian at such price as may be fixed by the Governor, Attorney General and Librarian.

Mr. W. D. EVANS, for the Committee on Finance and Taxation, submitted the following report, which was read the first time and ordered for consideration to-morrow :

The Committee on Finance and Taxation, to whom was referred a resolution requiring that all the expenses of the Court of General Sessions for each County be paid by the State, by Mr. Estridge, respectfully report that they have carefully considered the same, and recommend that it be not adopted, for the reason that it is a matter of legislation, and should be left to the General Assembly,

All of which is respectfully submitted,

W. D. EVANS,
For Committee.

Mr. E. J. KENNEDY introduced the following ordinance, which was read the first time, and ordered for consideration to-morrow, reference dispensed with :

AN ORDINANCE TO PROVIDE THAT THE GENERAL ASSEMBLY MAY HEREAFTER ENACT SUCH LAWS AS MAY BE NECESSARY TO VALIDATE AND CARRY INTO EFFECT THE SUBSCRIPTIONS TO THE CAPITAL STOCK OF THE CHESTERFIELD AND LANCASTER RAILROAD COMPANY AND THE CHESTERFIELD AND KERSHAW RAILROAD COMPANY HERETOFORE VOTED FOR AND AUTHORIZED BY THE QUALIFIED VOTERS OF CHESTERFIELD COUNTY.

We, the people of the State of South Carolina, by our delegates in Convention assembled, do ordain :

Section 1. That nothing contained in the Constitution ordained and established by the people of the State of South Carolina now in Convention assembled shall inhibit the General Assembly from hereafter enacting all such laws as may be necessary to validate and carry into effect the subscriptions to the capital stock of the Chesterfield and Lancaster Railroad Company and the Chesterfield and Kershaw Railroad Company heretofore voted for and authorized by the qualified voters of Chesterfield County,

UNFINISHED BUSINESS.

Calendar No. 12, Article IX of the Constitution, as proposed by Committee on Finance and Taxation.

Section 3, special order for 10 A. M. this morning, on motion of Mr. IRA B. JONES, was continued until Monday next.

Section 5. Mr. PRINCE moved to amend as follows : On line 9, by inserting between the words "that" and "this" the following words : "As to real estate ;" which was agreed to.

Also, to amend line 3 by striking out the word "public" before the word "schools ;" which was agreed to.

Mr. W. D. EVANS moved to amend by striking out all of lines 1 and 2 down to the word "all" in line 2. Insert in lieu thereof the following : "There shall be exempted from taxation ;" which was agreed to.

Mr. CONNOR moved to amend as follows : "Strike out the words "private gain" on line 3, and insert in lieu thereof the word "revenues ;" which was agreed to.

Mr. IRA B. JONES moved to amend line 6 by striking out the word "the" and inserting the word "such ;" which was agreed to.

Mr. McMAHAN moved to amend line 2. After "municipal property" strike out all down to "revenues" on line 3.

On motion of Mr. CONNOR, the amendment was laid on the table.

Mr. HAYNSWORTH moved to amend as follows : On line 3, between the words "and" and "of," insert the words "the property ;" which was agreed to.

The Section as amended was adopted.

Mr. GEORGE JOHNSTONE moved to reconsider the vote whereby the Convention on yesterday adopted Section 14 as amended ; which was agreed to.

Mr. GEORGE JOHNSTONE moved to reconsider the vote whereby the words "not less than" or "more than" were adopted yesterday ; which was agreed to.

Mr. GAGE moved to amend as follows : Section 14, line 11, after the word "payable," strike out all the balance of the sentence, and insert the words "payable within such time as the General Assembly shall prescribe, not to exceed thirty years from the date of such bonds."

After debate by Messrs. George Johnstone, Efird, W. D. Evans, Gage, Barker, Burns and Stribling,

Mr. STRIBLING moved to amend the amendment by striking out the word "thirty," and adding the words "not to exceed thirty years from the date of said bonds."

The question being put, the amendment was rejected.

Mr. IRA B. JONES offered the following as a substitute for the amendment proposed by Mr. Gage : Strike out all of sentence after payable and insert "not more than forty years after final passage of the law authorizing said debt."

Mr. B. R. TILLMAN moved to lay the substitute on the table.

The question being put, the Convention refused to table the substitute.

The substitute proposed by Mr. Ira B. Jones was then agreed to.

Mr. WIGG offered the following :

Amend Section 14, line 16, after the word "bond," by adding the following: "Provided that nothing herein contained shall prohibit the General Assembly from providing for funding at a lower or the same rate of interest any bonds or other indebtedness now existing, or may hereafter be incurred or increased as herein provided."

On motion of Mr. W. D. EVANS, the amendment was laid on the table.

Mr. W. D. EVANS moved to postpone debate on this Section until 10 A. M. Monday, and from day to day thereafter until disposed of ; which was agreed to.

SECOND READING.

Calendar No. 11, resolution as to judgments (report unfavorable), Mr. Hodges.

On motion of Mr. W. D. EVANS, the unfavorable report of the Committee was adopted and the resolution rejected.

Calendar No. 25, an ordinance to provide for a Department of Roads and Forestry (report unfavorable), Mr. McMahan.

Mr SHEPPARD moved to indefinitely postpone the ordinance.

The question being put, the Convention refused to indefinitely postpone.

Mr. McMAHAN moved to lay the unfavorable report of the Committee on the table ; which was agreed to.

After debate by Messrs. McMahan, Aldrich, Buist, Burn, Hemphill, in favor of, and Sheppard, George Johnstone and Parrott against the ordinance,

Mr. McGOWAN moved to amend line 4 by striking out the word "to" at the end of line, and inserting the word "thus ;" which was agreed to.

Mr. SHEPPARD moved to amend as follows : Line 6, strike out the word "shall" and insert the word "may."

Mr. ALDRICH moved to lay the amendment on the table.

The question being put, "Will the Convention agree thereto ?" it was decided in the negative.

The yeas and nays were requested, and are as follows :

Yeas, 26 ; nays, 83.

Those who voted in the affirmative are :

Yeas—Messrs. Aldrich, Bates, Buist, Burn, Dudley, Farrow, Fitch, Harris, Haynsworth, Hemphill, Keitt, Klugh, McCown, McGowan, McKagen, McMahan, Miller, J. D. Montgomery, W. J. Montgomery, Moore, Patterson, Peake, Perritte, Scarborough, Von Kolnitz, and Wells.—26.

Those who voted in the negative are :

Nays—Hon. John Gary Evans, President, and Messrs. Alexander, Anderson, Ashe, Atkinson, Austin, Barker, Barry, Barton, Behre, Bobo, Bowen, Bowman, Breazeale, J. S. Brice, T. W. Brice, Bryan, Cantey, Carver, Connor, Cunningham, Dennis, Dent, Douglass, Doyle, Efird, Estridge, W. D. Evans, Field, Floyd, Fraser, Gage, Garris, Gary, J. L. Glenn, J. P. Glenn, Gooding, Gray, Gunter, Henry, T. E. Johnson, George Johnstone, Ira B. Jones, Wilie Jones, E. J. Kennedy, J. W. Kennedy, Lee, Lowman, McWhite, Morrison, Nash, Otts, Parler, Parrott, Prince, Redfearn, Rosborough, Row-

land, Sheppard, Shuler, Singletary, Sloan, Smalls, A. J. Smith, Jeremiah Smith, W. C. Smith, Smoak, Stokes, Stribling, Sullivan, Talbert, Taylor, B. R. Tillman, G. D. Tillman, Timmerman, Waters, Wharton, Whipper, A. H. White, S. E. White, Wigg, Stanyarne Wilson, and Woodward.—83.

The amendment was then agreed to.

Mr. OTTS moved to indefinitely postpone the Section as amended.

After debate by Messrs. McMahan, George D. Tillman, Burn, McCown, Otts, Aldrich, Buist and Field,

The question being put, the Convention indefinitely postponed the ordinance.

Mr. SHEPPARD moved to reconsider the vote whereby the Convention indefinitely postponed the ordinance, and to lay that motion on the table ; which was agreed to.

Mr. W. D. EVANS moved that when this Convention adjourn it stand adjourned until 12 M. Monday ; which was agreed to.

On motion of Mr. STANYARNE WILSON, at 2.15 P. M., the Convention adjourned until 12 M. on Monday next.

TWENTY-EIGHTH DAY.

Monday, October 21, 1895.

The Conevntion assembled at 12 o'clock M.

The Secretary called the roll.

The PRESIDENT took the chair.

A quorum being present, the deliberations were opened with prayer by the Rev. Mr. PARROTT.

The Journal of yesterday's proceedings was read and confirmed.

The PRESIDENT received the following communication, which was read by the Clerk :

COLUMBIA, S. C., October 21, 1895.

HON. JOHN GARY EVANS, *President of Convention :*

I hereby tender my resignation as Clerk of the Committee on Legislative Department and as one of the Clerks in the Engrossing Department, and ask that it be accepted.

Respectfully,

J. W. WESSINGER.

On motion of Mr. GEORGE JOHNSTONE, the resignation was accepted.

LEAVE OF ABSENCE.

Mr. GARY asked and obtained indefinite leave of absence for his colleague Mr. McCaslan on account of sickness.

CERTIFICATES.

Medical certificates as to the illness of Messrs. Hiers and Clayton were received and accepted.

SPECIAL ORDERS.

Calendar No. 28, report of a part of the Committee on Counties and County Governments, made by Mr. Harrison.

Mr. HARRISON asked and obtained permission to withdraw from the files of the Convention the above report.

Mr. HARRISON requested that his name be added to the report submitted by Mr. Otts on the same subject ; which was agreed to.

Calendar No. 29, report of a part of the Committee on Counties and County Government, submitted by Mr. Austin, minority.

Mr. OTTS moved to indefinitely postpone the report of the minority, submitted by Mr. Austin.

After debate by Messrs. Gary, Otts, McGowan, G. D. Tillman and B. R. Tillman,

Mr. G. D. TILLMAN moved to lay the report of the minority of the Committee on the table.

The question being put, a division was demanded. Result—Yeas, 42 ; nays, 67.

Section 1. Mr. B. R. TILLMAN moved to amend as follows: Line 4, by inserting after the word "County" the following: "setting forth the boundaries and showing compliance with the requirements of this Article;" which was agreed to.

Mr. SHEPPARD moved to amend as follows: By adding to the end of the Section: "*Provided*, That new Counties shall not be created so as to increase the number of Counties beyond fifty, including those now in existence."

After debate by Messrs. Sheppard, J. S. Brice, B. R. Tillman and W. C. Smith,

Mr. B. R. TILLMAN moved to amend the amendment by striking out "fifty" and inserting in lieu thereof the words "sixty-two."

Debate continued by Messrs. George Johnstone and G. D. Tillman.

At 2 P. M., Mr. G. D. TILLMAN having the floor, the Convention receded from business until 8 P. M. this day.

RECESS.

The PRESIDENT resumed the chair at 8 P. M.

RESOLUTION.

Mr. GRAY introduced the following, which was read the first time and ordered for consideration to-morrow, reference dispensed with:

AN ORDINANCE TO PROVIDE THAT THE GENERAL ASSEMBLY MAY HEREAFTER ENACT SUCH LAWS AS MAY BE NECESSARY TO VALIDATE AND CARRY INTO EFFECT THE SUBSCRIPTIONS TO THE CAPITAL STOCK OF THE CAROLINA, KNOXVILLE AND WESTERN RAILROAD COMPANY, HERETOFORE VOTED FOR AND AUTHORIZED BY THE QUALIFIED VOTERS OF GREENVILLE COUNTY.

We, the people of South Carolina, by our delegates in convention assembled, do ordain:

Section 1. That nothing contained in the Constitution ordained and established by the people of the State of South Carolina, now in convention assembled, shall inhibit the General Assembly from hereafter enacting all such laws as may be necessary to validate and carry into effect the subscriptions to the capital stock of the Carolina, Knoxville and Western Railroad Company heretofore voted for and authorized by the qualified voters of Greenville County.

REPORT OF STANDING COMMITTEE.

Mr. BREAZEALE, for the Committee on Judicial Department, submitted the following report, which was considered immediately, the report adopted and the resolution rejected :

The Committee on Judicial Department, to whom was referred the resolution relating to the vacancy in the Convention caused by the death of Hon. J. O. Byrd, respectfully report that they have carefully considered the same, and recommend that the same be not adopted for the reason that the law provides how such vacancies shall be filled, and the Convention should not interfere therewith.

All of which is respectfully submitted.

J. E. BREAZEALE,
For Committee.

Calendar No. 29, report of Committee on Counties and County Government, Mr. Austin for Committee.

Section 1. Mr. G. D. TILLMAN resumed his remarks on the above.

After debate by Messrs. McGowan, Morrison, T. E. Johnson, McWhite, B. R. Tillman and George Johnstone,

Mr. GARY moved to lay on the table the amendment and the amendment to the amendment.

The question being put, it was decided by a rising vote in the affirmative.

Mr. FIELDS, for the Committee on Contingent Accounts and Expenses, submitted the following, which was considered immediately and adopted, and ordered paid :

The Committee on Contingent Accounts and Expenses, to whom was referred the bill of Charles A. Calvo, Jr., for $12.75 for stationery, respectfully report that they have carefully considered the same, and recommend that it be paid.

All of which is respectfully submitted.

W. T. FIELD,
Chairman of Committee.

COLUMBIA, S. C., September 18, 1895.

MR. W. H. YELDELL,

In account with CHARLES A. CALVO, JR.

To printing and ruling 250 Bill blanks	$7 75
To one Receipt Book	5 00
	$12 75

Approved by

WM. H. YELDELL,
Chief Clerk Engrossing Department.

Mr. B. R. TILLMAN, for the Committee on Suffrage, submitted the following amendments to the report of the Committee on Suffrage, which were ordered printed in the Journal :

Add to Section 1, after "ballot," the words "and elections shall never be held or the ballots counted in secret."

Section 2, line 2, insert between the words "age. But" the words as prescribed in this Constitution."

Section 3, line 1, insert between the words "citizen of" the words "of this State and."

Section 4 *(a)*, line 4, strike out "a" and write "any." Also on same line insert "due" before the word "six." Also at end of line 4, and beginning of line 5, on page 2, strike out the words "of the Gospel." Also same Section, page 2, line 5, insert between the words "church shall" the words "and teachers of public schools."

Page 2 *(c)*, line 10, insert between the words "or must" the words "after January 1st, 1898."

Page 2, line 15, strike out the words "illiterate" and "thus."

Page 2, line 17, write "February" in place of "January."

Page 2, line 18, insert between the words "the provisions" the word "other." Also on same line strike out the words "of Section 6."

Page 2, line 20, strike out the words "class of."

Page 2, line 21, after "franchise" add the words "under the limitations herein imposed."

Page 4, Section 12, add at end of line 3, the words "Provided the Governor shall appoint municipal registration officers."

Page 4, Section 13, line 6, insert between the words "right to" the words "to be registered and."

On motion of Mr. McCALLA, at 11 P. M., the Convention adjourned until 10 A. M. to-morrow.

TWENTY-NINTH DAY.

Tuesday, October 22, 1895.

The Convention assembled at 10 A. M.

The Secretary called the roll.

The PRESIDENT took the chair.

A quorum being present, the deliberations were opened with prayer by the Rev. Mr. PARROTT.

The Journal of yesterday's proceedings was read and confirmed.

Mr. B. R. TILLMAN moved that the amendment proposed by the Suffrage Committee and printed on page 4, Journal 21st instant, be incorporated in and printed in the report of the Committee; which was agreed to.

LEAVES OF ABSENCE.

Indefinite leave was granted Mr. Smoak on account of sickness.

Mr. FARROW asked and obtained leave of absence for himself until Thursday next.

UNFINISHED BUSINESS.

Calendar No. 29, minority report of the Committee on Counties and County Government, Mr. Austin for Committee.

Mr. IRA B. JONES moved to reconsider the vote whereby the Convention agreed to proceed with the consideration of the minority report.

Mr. GARY moved to lay the motion on the table; which was agreed to.

Section 10. Mr. PRINCE moved to amend Section 1, line 3, by striking out the word "qualified" and inserting in lieu thereof the word "freehold."

On motion of Mr. B. R. TILLMAN, the proposed amendment was laid on the table.

Mr. EFIRD moved to amend as follows: Strike out in Section 1, line 3, the words "a proposed" and insert the words "each section of an old County proposed to be cut off to form a;" which was agreed to.

Mr. SCARBOROUGH moved to amend Section 1, line 3, by striking out "one-third" and inserting in lieu thereof the words "two hundred."

On motion of Mr. GARY, the amendment was laid on the table.

Mr. BUIST moved to amend line 1, Section 1, by striking out the word "Legislature" and insert the words "General Assembly;" which was agreed to.

Mr. GAGE moved to amend same Section, line 7. After the word "County" add the following: "And that at the same election the question of a name and of a County seat for such County shall be submitted to the electors;" which was agreed to.

Mr. IRA B. JONES moved to substitute Section 4 of the majority on the same subject for Section 1 as amended.

After debate by Messrs. G. D. Tillman, Otts, T. E. Johnson, Burn and Patterson,

Mr. B. R. TILLMAN moved to lay the amendment on the table; which was agreed to.

The Section as amended was then adopted.

Section 2. Mr. McGOWAN moved to amend Section 2, line 1, by striking out the words "a majority," and inserting in lieu thereof the words "two-thirds."

Mr. OTTS moved to lay the motion on the table.

The question being put: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 58; nays, 78.

Those who voted in the affirmative are:

Yeas—Messrs. Barry, Bates, Berry, Bradham, T. W. Brice, Buist, Cantey, Clayton, Cooper, Cunningham, DeHay, Dennis, Doyle, Estridge, Floyd, Gamble, Garris, J. P. Glenn, Graham, Gray, Gunter, Hamel, Harris, Harrison, Houser, Irby, George Johnstone, Ira B. Jones, Wilie Jones, J. W. Kennedy, Lybrand, McCown, McDermotte, McMakin, McWhite, Meares, Miller, Moore, Morrison, Murray, Nash, Otts, Ragsdale, Rosborough, Scarborough, Jeremiah Smith, Stackhouse, Stokes, Talbert, B. R. Tillman, G. D. Tillman, Watson, Wharton, Whipper, A. H. White, S. E. White, W. B. Wilson, and Woodward.—58.

Those who voted in the negative are:

Nays—Hon. John Gary Evans, President, and Messrs. Aldrich, Alexander, Anderson, Ashe, Atkinson, Austin, Barker, Barton, Behre, Bellinger, Bobo, Bowen, Bowman, Breazeale, Bryan, Burn, Carver, Dent, Douglass, Dudley, Efird, Ellerbe, W. D. Evans, Farrow, Field, Fitch, Fraser, Gage, Gary, J. L. Glenn, Gooding, Haynsworth, Hemphill, D. S. Henderson, Henry, Howell, Hutson, Jervey, T. E. Johnson, Keitt, E. J. Kennedy, Klugh, Lee, Lowman, McCalla, McGowan, McKagen, McMahan, Mitchell, J. D. Montgomery, W. J. Montgomery, Mower, Nathans, Nicholson, Oliver, Parler, Patterson, Patton, Peake, Perritte, Prince, J. H. Read, Redfearn, I. R. Reed, Rowland, Russell, Sheppard, Smalls, A. J. Smith, W. C. Smith, Stribling, Sullivan, Taylor, Timmerman, Waters, Wells, and Wigg.—78.

Mr. OTTS moved to amend the amendment by striking out "majority" and inserting "three-fifths."

On motion of Mr. E. J. KENNEDY, the amendment to the amendment was laid on the table.

The amendment of Mr. McGowan was then adopted.

Mr. BUIST moved to amend Section 2, line 3, by striking out the word "Legislature" and inserting in lieu thereof the words "General Assembly;" which was agreed to.

Mr. B. R. TILLMAN moved to amend line 1, after the word "within" insert the words "each of;" which was agreed to.

Also, to strike out sections on the same line and insert "townships or part of townships;" which was agreed to.

Mr. J. S. BRICE moved to amend line 5 by adding the following after "years": "*Provided, further,* The General Assembly may alter or change the lines of any proposed County, or may refuse to establish the same."

On motion of Mr. SCARBOROUGH, the amendment proposed was laid on the table.

Mr. IRA B. JONES moved to amend line 1 by striking out the word "voters" and inserting the words "electors voting in said election;" which was agreed to.

Mr. PRINCE moved to amend line 3 by inserting after the word "County" the words "at its next session provided all precedent provisions of this Article have been complied with;" which was agreed to.

Mr. B. R. TILLMAN moved that further debate on this Section be adjourned for the present; which was agreed to.

Section 3. Mr. E. J. KENNEDY moved to amend lines 1 and 2 by striking out the words "one hundred and twenty-fourth" and inserting "one sixtieth" in lieu thereof.

Mr. PATTERSON moved to lay the motion on the table.

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows:

Yeas, 88; nays, 51.

Those who voted in the affirmative are:

Yeas—Hon. John Gary, Evans, President, and Messrs. Aldrich, Atkinson, Austin, Barry, Bates, Bellinger, Berry, Bobo, Bowen, Bowman, Bradham, T. W. Brice, Buist, Cantey, Clayton, Cooper, Cunningham, DeHay, Dennis, Dent, Douglass, Doyle, Dudley, Efird, Ellerbe, Estridge, Field, Fitch, Floyd, Gamble, Garris, J. L. Glenn, Gooding, Graham, Gray, Gunter, Hamel, Harrison, Haynsworth, D. S. Henderson, Houser, Howell, Irby, George Johnstone, Ira B. Jones, Wilie Jones, Keitt, J. W. Kennedy, Lowman, Lybrand, McDermotte, McKagen, McMahan, McMakin, McWhite, Meares, Miller, W. J. Montgomery, Morrison, Murray, Nash, Nicholson, Otts, Parler, Patterson, Ragsdale, Rogers, Rosborough, Scarborough, Sheppard, Sloan,

Jeremiah Smith, W. C. Smith, Stackhouse, Stokes, Talbert, B. R. Tillman, G. D. Tillman, Timmerman, Watson, Wharton, Whipper, A. H. White, S. E. White, W. B. Wilson, Winkler, and Woodward. —88.

Those who voted in the negative are :

Nays—Messrs. Alexander, Ashe, Barker, Barton, Behre, Breazeale, J. S. Brice, Bryan, Burn, Carver, W. D. Evans, Farrow, Fraser, Gage, Gary, J. P. Glenn, Harris, Hemphill, Henry, Hutson, Jervey, T. E. Johnson, E. J. Kennedy, Klugh, Lee, McCalla, McCown, McGowan, Mitchell, J. D. Montgomery, Moore, Mower, Oliver, Parrott, Peake, Perritte, Prince, J. H. Read, Redfearn, I. R. Reed, Rowland, Russell, Smalls, A. J. Smith, Stribling, Sullivan, Taylor, Von Kolnitz, Waters, Wells, and Wigg.—51.

Mr. W. B. WILSON moved to amend same, line 3, by striking out all after the word "dollars."

After debate by Messrs. W. B. Wilson and Prince,

Mr. J. S. BRICE moved to lay the amendment on the table ; which was agreed to.

Mr. PRINCE moved to amend line 3 by striking out the word "two" and inserting the word "three."

After debate by Messrs. Prince and B. R. Tillman,

Mr. B. R. TILLMAN moved to amend the amendment by striking out "three" and inserting "one and one-half."

Debate continued by Messrs. Hemphill and Behre.

Mr. W. D. EVANS moved to adjourn debate on this Section until 10 A. M. to-morrow ; which was agreed to.

Mr. W. D. EVANS offered the following resolutions, which were made a special order for 12 M. on Thursday next :

Whereas a member of this Convention, the Hon. R. H. Hodges, died at his home in Bennettsville, S. C., at 5 o'clock this 22d day of October, 1895; and whereas we, as a body, have learned to value and appreciate his worth as a man and a member ; therefore be it

Resolved, 1st. That while we can but bow to the will of Him who doeth all things well, yet 'tis hard to understand why one so full of vigor, both of mind and body, in the prime of life, should be so suddenly called from an honorable and useful career.

2. That in his death this Convention has lost a useful member, the State a valued citizen, and the County of Marlboro an able representative and faithful official.

3. That we will mourn his departure, cherish his memory, and emulate his virtues.

4. That a page of the Journal of this Convention be dedicated to his memory.

5. That a copy of these resolutions, suitably engrossed, be forwarded by the Secretary to his family.

As a further mark of respect to his memory, I move that these resolutions be made a special order for Thursday next at 12 M., and that this Convention do now adjourn for this day.

On motion of Mr. W. D. EVANS, at 1:20 P. M., the Convention adjourned until 10 A M. to-morrow.

THIRTIETH DAY.

Wednesday, October 23, 1895.

The Convention assembled at 10 o'clock A. M.

The Secretary called the roll.

The PRESIDENT took the chair.

A quorum being present, the deliberations were opened with prayer by the Rev. Mr. PARROTT.

The Journal of yesterday's proceedings was read and confirmed.

LEAVES OF ABSENCE.

Indefinite leave was granted Mr. Hamel, on account of sickness in his family.

Leave of absence was granted Messrs. Gilland, Henderson and A. H. White until Monday next.

UNFINISHED BUSINESS.

Calendar No. 29, report of the Committee on Counties and County Government, minority, Mr. Austin for Committee.

Section 3. The pending questions being the motion of Mr. Prince to amend line 3, by striking out the word "two" and inserting the word "three," and the amendment to the amendment proposed by Mr. B. R. Tillman, to strike out the word "three" and insert the words "one and a half" in lieu thereof.

After debate by Messrs. Parler, Howell, Buist, Talbert, Jeremiah Smith and Hemphill,

Mr. D. S. HENDERSON moved the previous question on the whole subject; which was agreed to.

Debate was continued by Mr. Prince.

Mr. BELLINGER moved to lay the amendment to the amendment on the table.

The question being put: "Will the Convention agree thereto?" it was decided in the negatjve.

The yeas and nays were requested, and are as follows:

Yeas, 68; nays, 76.

Those who voted in the affirmative are:

Yeas—Hon. John Gary Evans, President, and Messrs. Aldrich, Alexander, Atkinson, Austin, Barker, Barton, Bates, Behre, Bellinger, Berry, Bobo, Bowen, Breazeale, J. S. Brice, T. W. Brice, Bryan, Burn, Carver, Cooper, Efird, W. D. Evans, Fitch, Fraser, Gary, J. L. Glenn, J. P. Glenn, Harris, Hay, Hemphill, D. S. Henderson, Henry, Houser, Hutson, Jervey, T. E. Johnson, E. J. Kennedy, Klugh, Lee, Lowman, McCalla, McGowan, Matthews, Mitchell, J. D. Montgomery, W. J. Montgomery, Mower, Nathans, Parrott, Patterson, Peake, Prince, Redfearn, Rowland, Russell, Sheppard, Smalls, A. J. Smith, R. F. Smith, W. C. Smith, Stribling, Sullivan, Von Kolnitz, Waters, Wells, Wharton, Stanyarne Wilson, and Winkler.—68.

Those who voted in the negative are:

Nays—Messrs. Ashe, Barry, Bowman, Bradham, Buist, Cantey, Clayton, Connor, Cunningham, DeHay, Dennis, Dent, Derham, Douglass, Doyle, Dudley, Ellerbe, Estridge, Field, Floyd, Gage, Gamble, Garris, Gooding, Graham, Gray, Gunter, Hamel, Harrison, Haynsworth, Howell, George Johnstone, Ira B. Jones, Wilie Jones, Keitt, J. W. Kennedy, Lybrand, McCown, McDermotte, McKagen, McMahan, McMakin, McWhite, Meares, Miller, Moore, Morrison, Murray, Nash, Nicholson, Otts, Parler, Patton, Ragsdale, J. H. Read, Rogers, Rosborough, Scarborough, Shuler, Sligh, Sloan, Jeremiah Smith, Stackhouse, Stokes, Talbert, Taylor, B. R. Tillman, G. D. Tillman, Watson, Whipper, A. H. White, S. E White, Wigg, Wiggins, W. B. Wilson, and Woodward.—76.

Mr. B. R. Tillman's amendment was then adopted.

The question then being put upon the amendment of Mr. Prince as amended by Mr. B. R. Tillman, the amendment as amended was adopted.

Mr. McCOWN moved to reconsider the vote whereby the Convention had agreed to the amendment as amended, and to lay that motion on the table; which was agreed to.

Mr. W. B. WILSON moved to amend same Section, line 4, by adding after the word "miles": "*Provided,* That when there is embraced within the limit of the proposed new County a city having a population of five thousand inhabitants or more, then such new County may be formed with an area of not less than three hundred square miles."

After debate by Messrs. W. B. Wilson, Ragsdale, Ira B. Jones, J. S. Brice, Burn, Timmerman and Stanyarne Wilson,

Mr. EFIRD moved the previous question on the whole matter; which was agreed to.

Mr. E. J. KENNEDY moved to lay the amendment of Mr. W. B. Wilson on the table; which was agreed to.

Mr. E. J. KENNEDY moved to amend line 4 by striking out the word "four" and inserting the word "five."

The question being put: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 53; nays, 92.

Those who voted in the affirmative are:

Yeas—Messrs. Aldrich, Alexander, Anderson, Barker, Behre, Bellinger, Berry, Bobo, J. S. Brice, Bryan, Burn, Carver, Douglass, W. D. Evans, Gary, Graham, Hay, Hemphill, Howell, Hutson, Jervey, T. E. Johnson, E. J. Kennedy, Klugh, Lee, McCown, McGowan, McWhite, Mitchell, J. D. Montgomery, Morrison, Mower, Nathans, Nicholson, Oliver, Parler, Parrott, Peake, Perritte, J. H. Read, Redfearn, I. R. Reed, Rowland, Russell, Sheppard, Smalls, A. J. Smith, Stribling, Sullivan, Taylor, Von Kolnitz, Wharton, and Stanyarne Wilson.—53.

Those who voted in the negative are:

Nays—Hon. John Gary Evans, President, and Messrs. Ashe, Atkinson, Austin, Barry, Barton, Bowen, Bowman, Bradham, Breazeale, T. W. Brice, Buist, Cantey, Clayton, Connor, Cooper, Cunningham, DeHay, Dennis, Dent, Derham, Doyle, Dudley, Efird, Ellerbe, Estridge, Field, Fitch, Floyd, Fraser, Gage, Gamble, Garris, J. L. Glenn, J. P. Glenn, Gooding, Gray, Gunter, Hamel, Harris, Har-

rison, Haynsworth, D. S. Henderson, Henry, Houser, Irby, George Johnstone, Ira B. Jones, Wilie Jones, Keitt, J. W. Kennedy, Lowman, Lybrand, McCalla, McDermotte, McKagen, McMahan, McMakin, Meares, Miller, Moore, Murray, Nash, Otts, Patterson, Prince, Ragsdale, Rogers, Rosborough, Scarborough, Shuler, Sligh, Sloan, Jeremiah Smith, R. F. Smith, W. C. Smith, Stackhouse, Stokes, Talbert, B. R. Tillman, G. D. Tillman, Timmerman, Waters, Watson, Wells, Whipper, A. H. White, S. E. White, Wigg, W. B. Wilson, Winkler, and Woodward.—92.

Mr. McWHITE moved to amend line 4 by striking out "four hundred" and inserting "four hundred and fifty."

The question being put: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 69; nays, 74.

Those who voted in the affirmative are:

Yeas—Hon. John Gary Evans, President, and Messrs. Aldrich, Alexander, Anderson, Barker, Barry, Behre, Berry, Bobo, Bowman, J. S. Brice, Bryan, Carver, Connor, Cooper, Derham, Douglass, Dudley, Fraser, Gamble, Garris, Graham, Gunter, Hay, D. S. Henderson, Houser, Howell, Hutson, Jervey, T. E. Johnson, George Johnstone, Keitt, E. J. Kennedy, Lee, Lowman, McCown, McDermotte, McWhite, Matthews, Mitchell, J. D. Montgomery, W. J. Montgomery, Mower, Nash, Nathans, Nicholson, Oliver, Parler, Parrott, Peake, Perritte, J. H. Read, Redfearn, Rowland, Russell, Sheppard, Smalls, A. J. Smith, Jeremiah Smith, R. F. Smith, Stokes, Stribling, Sullivan, Von Kolnitz, Wells, Wharton, Stanyarne Wilson, Winkler and Woodward.—69.

Those who voted in the negative are:

Nays—Messrs. Ashe, Atkinson, Austin, Barton, Bellinger, Bowen, Bradham, Breazeale, T. W. Brice, Buist, Burn, Cantey, Clayton, DeHay, Dennis, Dent, Doyle, Efird, Ellerbe, Estridge, Field, Fitch, Floyd, Gage, Gary, J. L. Glenn, J. P. Glenn, Gooding, Gray, Hamel, Harris, Harrison, Haynsworth, Hemphill, Henry, Irby, Ira B. Jones, J. W. Kennedy, Lybrand, McCalla, McGowan, McKagen, McMahan, McMakin, Meares, Miller, Moore, Morrison, Murray, Otts, Patterson, Prince, Ragsdale, I. R. Reed, Rogers, Rosborough, Scarborough, Shuler, Sligh, W. C. Smith, Stackhouse, Talbert, Taylor, B. R. Tillman, G. D. Tillman, Timmerman, Waters, Watson, Whipper, A. H. White, S. E. White, Wigg, Wiggins, and W. B. Wilson.—74.

Mr. EFIRD moved to amend line 3 by inserting between the words "dollars" and "nor" the words "as shown by the last tax return ;" which was agreed to.

The Section as amended was adopted.

Mr. B. R. TILLMAN moved to reconsider the vote whereby Section 3 was adopted as amended, and to lay that motion on the table ; which was agreed to.

Section 4. Mr. GEORGE JOHNSTONE moved to amend line 1 by adding to the end thereof the words "and fifty."

Mr. PRINCE moved to lay the amendment on the table ; which was agreed to.

Mr. STANYARNE WILSON called the previous question on the whole matter ; which was agreed to.

Section 4 was then adopted as reported by the Committee.

Mr. STANYARNE WILSON moved that the Convention reconsider the vote whereby Section 4 was adopted, and to lay that motion on the table ; which was agreed to.

Mr. CONNOR offered the following substitute :

"No new County line shall be run nearer to an established court house than ten miles : *Provided,* That this Section shall not apply to court houses located in Counties not proposed to be dismembered, or where said new County line is a natural boundary and forms a formidable barrier to trade."

After debate by Mr. McCalla,

The pending question being the proposed substitute,

On motion of Mr. PATTERSON, at 1:50 P. M., the Convention receded from business until 7:30 P. M. this day.

RECESS.

The PRESIDENT resumed the chair at 7:30 P. M.

LEAVES OF ABSENCE

Were granted Mr. Singletary until next Friday and Mr. Sligh until next Monday.

Calendar No. 29, report of the Committee on Counties and County Government (minority report), Mr. Austin.

Section 5. The Convention resumed the consideration of Section 5, the pending question being the substitute offered by Mr. Connor this morning.

After debate by Messrs. Efird and Prince,

Mr. PRINCE offered the following substitute for the whole matter:

"In the formation of new Counties no old County shall be cut within ten miles of its County seat."

Debate was continued by Messrs. Conner, Otts, Bellinger, W. D. Evans and B. R. Tillman.

Mr. B. R. TILLMAN moved "to recommit the two reports (Nos. 26 and 29), with instructions to limit the area of old and new Counties to four hundred and fifty square miles, and leave everything else to the discretion of the General Assembly."

After debate by Messrs. T. E. Johnson, Patterson and D. S. Henderson,

The question being put: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 17; nays, 124.

Those who voted in the affirmative are:

Yeas—Messrs. Anderson, Barry, Clayton, DeHay, Dennis, Gamble, Garris, J. W. Kennedy, McMakin, W. J. Montgomery, Mower, Murray, B. R. Tillman, Waters, S. E. White, Wiggins, and W. B. Wilson.—17.

Those who voted in the negative are:

Nays—Hon. John Gary Evans, President, and Messrs. Aldrich, Alexander, Ashe, Atkinson, Austin, Barker, Barton, Bates, Behre, Bellinger, Berry, Bobo, Bowen, Bowman, Breazeale, J. S. Brice, T. W. Brice, Bryan, Buist, Burn, Cantey, Carver, Connor, Cooper, Cunningham, Douglass, Doyle, Dudley, Efird, Ellerbe, Estridge, W. D. Evans, Field, Fitch, Floyd, Fraser, Gage, Gary, J. L. Glenn, J. P. Glenn, Gooding, Graham, Gray, Harris, Harrison, Hay, Haynsworth, Hemphill, D. S. Henderson, Henry, Houser, Howell, Hutson, Irby, Jervey, T. E. Johnson, George Johnstone, Ira B. Jones, Wilie Jones, Keitt, E. J. Kennedy, Klugh, Lee, Lowman, McCalla, McCown, McGowan, McKagen, McMahan, McWhite, Matthews, Meares, Miller, Mitchell, J. D. Montgomery, Moore, Morrison, Nash, Nathans, Nicholson, Oliver, Otts, Parler, Parrott, Patterson, Patton, Peake, Perritte, Prince, Ragsdale, Redfearn, I. R. Reed, Rogers, Rosborough, Rowland, Russell, Scarborough, Sheppard, Shuler, Sloan, Smalls, A. J. Smith, Jeremiah Smith, R. F. Smith, W. C. Smith, Stackhouse, Stokes, Stribling, Sullivan, Talbert, Taylor, G. D. Tillman, Timmerman, Von Kolnitz, Watson, Wells, Wharton, Whipper, A. H. White, Wigg, Stanyarne Wilson, Winkler, and Woodward.—124.

Mr. COOPER moved to lay on the table the substitute proposed by Mr. Prince.

The question being put: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 68; nays, 70.

Those who voted in the affirmative are:

Yeas—Messrs. Atkinson, Berry, Buist, Cantey, Clayton, Cooper, DeHay, Dennis, Douglass, Doyle, Estridge, Floyd, Fraser, Gage, Gamble, Garris, J. L. Glenn, Gooding, Graham, Gray, Harrison, Irby, George Johnstone, Ira B. Jones, Wilie Jones, Keitt, J. W. Kennedy, McCown, McKagen, McMahan, McMakin, McWhite, Meares, Miller, Moore, Morrison, Mower, Murray, Nash, Nicholson, Oliver, Otts, Parler, Patton, Ragsdale, Rogers, Rosborough, Scarborough, Sheppard, Shuler, Sloan, Jeremiah Smith, Stackhouse, Talbert, Taylor, B. R. Tillman, G. D. Tillman, Von Kolnitz, Waters, Watson, Wharton, Whipper, A. H. White, S. E. White, Wiggins, W. B. Wilson, Winkler and Woodward.—68.

Those who voted in the negative are:

Nays—Hon. John Gary Evans, President, and Messrs. Aldrich, Alexander, Anderson, Ashe, Austin, Barker, Barry, Barton, Bates, Behre, Bellinger, Bobo, Bowen, Bowman, Breazeale, J. S. Brice, T. W. Brice, Bryan, Burn, Carver, Connor, Cunningham, Dudley, Ellerbe, W. D. Evans, Field, Fitch, Gary, J. P. Glenn, Harris, Hay, Haynsworth, Hemphill, D. S. Henderson, Henry, Houser, Howell, Hutson, Jervey, T. E. Johnson, E. J. Kennedy, Klugh, Lee, Lowman, McGowan, Matthews, Mitchell, J. D. Montgomery, W. J. Montgomery, Nathans, Parrott, Patterson, Peake, Perritte, Prince, Redfearn, I. R. Reed, Rowland, Russell, Smalls, A. J. Smith, R. F. Smith, W. C. Smith, Stokes, Stribling, Sullivan, Wells, Wigg, and Stanyarne Wilson.—70.

Mr. McCALLA stated that he was paired with Mr. Hamel. Had he voted, he would have voted "no."

Mr. EFIRD stated that he was paired with Mr. Sligh. Had he voted, he would have voted "no," and Mr. Sligh would have voted "yea."

The substitute of Mr. Prince was then adopted.

Mr. G. D. TILLMAN moved to amend the substitute of Mr. Prince by striking out the words "ten miles" and inserting the words "seven miles."

After debate by Messrs. G. D. Tillman, Talbert, Parrott, Patterson, Gary, Klugh, Sheppard, Rogers, Clayton, McCalla, and E. J. Kennedy,

Mr. E. J. KENNEDY moved to lay the amendment to the substitute on the table.

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows:

Yeas, 74; nays, 67.

Those who voted in the affirmative are:

Yeas—Hon. John Gary Evans, President, and Messrs. Aldrich, Alexander, Anderson, Ashe, Atkinson, Austin, Barker, Barry, Barton, Bates, Behre, Bellinger, Bobo, Bowen, Bowman, Breazeale, J. S. Brice, T. W. Brice, Bryan, Burn, Carver, Connor, Cunningham, Dudley, Efird, Ellerbe, Field, Fitch, Gary, Harris, Hay, Haynsworth, Hemphill, D. S. Henderson, Henry, Houser, Howell, Hutson, Jervey, T. E. Johnson, E. J. Kennedy, Klugh, Lee, Lowman, McGowan, McMahan, Matthews, Mitchell, J. D. Montgomery, W. J. Montgomery, Nash, Nicholson, Oliver, Parrott, Patterson, Peake, Perritte, Prince, Redfearn, I. R. Reed, Rowland, Russell, Smalls, A. J. Smith, R. F. Smith, W. C. Smith, Stokes, Stribling, Sullivan, Wells, Wharton, Wigg, and Stanyarne Wilson.—74.

Those who voted in the negative are:

Nays—Messrs. Berry, Buist, Cantey, Clayton, Cooper, DeHay, Dennis, Derham, Douglass, Doyle, Estridge, W. D. Evans, Floyd, Fraser, Gage, Gamble, Garris, J. L. Glenn, J. P. Glenn, Gooding, Graham, Gray, Harrison, Irby, George Johnstone, Ira B. Jones, Wilie Jones, Keitt, J. W. Kennedy, McCown, McDermotte, McKagen, McMakin, McWhite, Meares, Miller, Moore, Morrison, Mower, Murray, Nathans, Otts, Parler, Patton, Ragsdale, Rogers, Rosborough, Scarborough, Sheppard, Shuler, Sloan, Jeremiah Smith, Stackhouse, Talbert, Taylor, B. R. Tillman, G. D. Tillman, Timmerman, Waters, Watson, Whipper, A. H. White, S. E. White, Wiggins, W. B. Wilson, Winkler, and Woodward.—67.

Mr. McCALLA stated that he was paired with Mr. Hamel. Had he voted, he would have voted "yea."

Mr. TALBERT moved to amend the substitute by striking out "ten miles" and inserting in lieu thereof the words "eight miles."

The question being put, "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows:

Yeas, 71; nays, 70.

Those who voted in the affirmative are:

Yeas—Messrs. Atkinson, Berry, Buist, Cantey, Clayton, Cooper, Cunningham, DeHay, Dennis, Derham, Douglass, Doyle, Estridge,

W. D. Evans, Field, Floyd, Gage, Gamble, Garris, J. L. Glenn, J. P. Glenn, Gooding, Graham, Gray, Harrison, Irby, George Johnstone, Ira B. Jones, Wilie Jones, Keitt, J. W. Kennedy, McCown, McDermotte, McKagen, McMahan, McMakin, McWhite, Meares, Miller, Moore, Morrison, Mower, Murray, Nathans, Otts, Parler, Patton, Peake, Ragsdale, Rogers, Rosborough, Scarborough, Sheppard, Shuler, Sloan, Jeremiah Smith, Stackhouse, Talbert, Taylor, B. R. Tillman, G. D. Tillman, Timmerman, Waters, Watson, Wharton, Whipper, A. H. White, Wiggins, W. B. Wilson, Winkler, and Woodward.—71.

Those who voted in the negative are:

Nays—Hon. John Gary Evans, President, and Messrs. Aldrich, Alexander, Anderson, Ashe, Austin, Barker, Barry, Barton, Bates, Behre, Bellinger, Bobo, Bowen, Bowman, Breazeale, J. S. Brice, T. W. Brice, Bryan, Burn, Carver, Connor, Dudley, Efird, Ellerbe, Fitch, Fraser, Gary, Harris, Hay, Haynsworth, Hemphill, D. S. Henderson, Henry, Houser, Howell, Hutson, Jervey, T. E. Johnson, E. J. Kennedy, Klugh, Lee, Lowman, McGowan, Matthews, Mitchell, J. D. Montgomery, W. J. Montgomery, Nash, Nicholson, Oliver, Parrott, Patterson, Perritte, Prince, Redfearn, I. R. Reed, Rowland, Russell, Smalls, A. J. Smith, R. F. Smith, W. C. Smith, Stokes, Stribling, Sullivan, Wells, S. E. White, Wigg, and Stanyarne Wilson.—70.

Mr. McCALLA stated that he was paired with Mr. Hamel. Had he voted, he would have voted "no."

Mr. Talbert moved to reconsider the vote whereby the Convention agreed to strike out "ten miles" and insert "eight miles," and to lay that motion on the table.

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows:

Yeas, 73; nays, 70.

Those who voted in the affirmative are:

Yeas—Messrs. Atkinson, Berry, J. S. Brice, T. W. Brice, Buist, Cantey, Clayton, Cooper, Cunningham, DeHay, Dennis, Derham, Douglass, Doyle, Estridge, W. D. Evans, Field, Floyd, Gage, Gamble, Garris, J. L. Glenn, J. P. Glenn, Gooding, Graham, Gray, Harrison, Irby, George Johnstone, Ira B. Jones, Wilie Jones, Keitt, J. W. Kennedy, McCown, McDermotte, McKagen, McMahan, McMakin, McWhite, Meares, Miller, Moore, Morrison, Mower, Murray, Nathans, Otts, Parler, Patton, Peake, Ragsdale, Rogers, Rosborough, Scarborough, Sheppard, Shuler, Sloan, Jeremiah Smith, Stackhouse,

Talbert, Taylor, B. R. Tillman, G. D. Tillman, Timmerman, Waters, Watson, Wharton, Whipper, A. H. White, Wiggins, W. B. Wilson, Winkler, and Woodward.—73.

Those who voted in the negative are :

Nays—Hon. John Gary Evans, President, and Messrs. Aldrich, Alexander, Anderson, Ashe, Austin, Barker, Barrry, Barton, Bates, Behre, Bellinger, Bobo, Bowen, Bowman, Breazeale, J. S. Brice, Bryan, Burn, Carver, Connor, Dudley, Efird, Ellerbe, Fitch, Fraser, Gary, Harris, Hay, Haynsworth, Hemphill, D. S. Henderson, Henry, Honser, Howell, Hutson, Jervey, T. E. Johnson, E. J. Kennedy, Klugh, Lee, Lowman, McGowan, Matthews, Mitchell, J. D. Montgomery, W. J. Montgomery, Nash, Nicholson, Oliver, Parrott, Patterson, Perritte, Prince, J. H. Read, Redfearn, I. R. Reed, Rowland, Russell, Smalls, A. J. Smith, R. F. Smith, W. C. Smith, Stokes, Stribling, Sullivan, Wells, S. E. White, Wigg, and Stanyarne Wilson.—70.

Mr. McCALLA stated that he was paired with Mr. Hamel. Had he voted, he would have voted "no."

The pending question being the adoption of the substitute as amended, for Section 5.

On motion of Mr. J. D. MONTGOMERY, at 11:30 P. M., the Convention adjourned to meet at 10 A. M. to-morrow.

THIRTY-FIRST DAY.

Thursday, October 24, 1895.

The Convention assembled at 10 o'clock A. M.

The Secretary called the roll.

The PRESIDENT took the chair.

A quorum being present, the deliberations were opened with prayer by the Rev. Mr. PARROTT.

The Journal of yesterday's proceedings was read and confirmed.

GENERAL ORDERS.

Mr. E. J. KENNEDY moved to take up Calendar No. 47, to permit the General Assembly to enact certain laws in reference to Chesterfield County; which was agreed to.

Mr. E. J. KENNEDY moved to lay No. 47 on the table; which was agreed to.

UNFINISHED BUSINESS.

Calendar No. 29, report of Committee on Counties and County Government, Mr. Austin for Committee,

The pending question being the substitute offered by Mr. Prince and amendment.

The question being put, the substitute was agreed to.

Section 5 was then adopted as amended.

Section 6 was adopted as reported by the Committee.

Section 2. The Convention recurred to Section 2.

Mr. B. R. TILLMAN moved the following as a substitute:

Section 2. If two-thirds of the qualified electors voting in such election within each of the several parts of old Counties proposed to be formed into a new County shall separately vote "yes" upon such question, then the General Assembly shall establish such new County at its next session: *Provided,* All precedent conditions prescribed by this Article have been complied with. If any of the parts of old Counties thus voting shall refuse to enter the proposed new County, such part shall not be incorporated therein, and such new County shall not be formed unless it otherwise conform to the requirements of this Article. An election upon the question of forming the same proposed new County shall not be ordered oftener than once in four years.

Which was agreed to.

The substitute was then adopted as Section 2.

Mr. B. R. TILLMAN offered the following, to be known as Section 7:

The General Assembly may, upon petition of two-thirds of the qualified electors of any township, or part of township, authorize them to unite with any other adjoining County.

Mr. ROGERS introduced the following, to be known as Section 7:

The General Assembly shall have the power to alter County lines at any time: *Provided,* That before any existing County line is altered the question shall be first submitted to the qualified voters of the territory

proposed to be taken from one County and given to another, and shall have received two-thirds of the votes cast: *Provided, further,* That the change shall not reduce the County from which the territory is taken below the limits prescribed in Sections 3 and 4 of this Article.

Mr. B. R. TILLMAN accepted the proposed Section of Mr. Rogers in lieu of his own.

After debate by Messrs. Rogers, W. J. Montgomery, W. C. Smith, Stanyarne Wilson and Sheppard,

Mr. J. S. GLENN offered the following as an amendment to the proposed Section 7: Add the words "*Provided,* That the proper proportion of the existing County indebtedness of the section so transferred shall be assumed by the County to which the territory is so transferred."

Debate continued by Messrs. Haynsworth, Rogers, G. D. Tillman and Klugh.

Mr. STANYARNE WILSON moved to lay the proposed Section 7 and amendment on the table.

The question being put, "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 52; nays, 85.

Those who voted in the affirmative are:

Yeas—Messrs. Aldrich, Alexander, Anderson, Ashe, Atkinson, Barker, Barry, Bates, Behre, Bellinger, Berry, Bobo, J. S. Brice, Bryan, Burn, Carver, Connor, Douglass, Ellerbe, Floyd, Gary, J. P. Glenn, Gunter, Hay, Hemphill, Howell, Jervey, T. E. Johnson, E. J. Kennedy, Klugh, Lowman, McGowan, Mitchell, J. D. Montgomery, W. J. Montgomery, Nathans, Nicholson, Oliver, Parrott, Peake, Perritte, Prince, J. H. Read, Redfearn, Rowland, Russell, Smalls, Stokes, Stribling, Taylor, Wigg, and Stanyarne Wilson.—52.

Those who voted in the negative are:

Nays—Hon. John Gary Evans, President, and Messrs. Austin, Barton, Bowen, Bowman, Bradham, Breazeale, T. W. Brice, Buist, Cantey, Clayton, Cooper, Cunningham, Dennis, Derham, Doyle, Dudley, Estridge, W. D. Evans, Field, Fraser, Gage, Gamble, Garris, J. L. Glenn, Gooding, Graham, Gray, Harrison, Haynsworth, D. S. Henderson, Henry, Houser, Hutson, Irby, George Johnstone, Ira B. Jones, Wilie Jones, Keitt, J. W. Kennedy, Lee, Lybrand, McCalla, McCown, McKagen, McMahan, McWhite, Matthews, Meares, Miller, Moore, Morrison, Mower, Murray, Nash, Otts, Parler, Patterson, Patton, Ragsdale, I. R. Reed, Rogers, Rosborough, Scarborough, Sheppard,

Shuler, Sloan, A. J. Smith, Jeremiah Smith, R. F. Smith, W. C. Smith, Stackhouse, Sullivan, Talbert, B. R. Tillman, G. D. Tillman, Timmerman, Waters, Watson, Wells, Wharton, S. E. White, Wiggins, W. B. Wilson, and Woodward.—85.

Mr. BREAZEALE offered the following as a substitute for the proposed Section 7 :

Any township or part of a township may be taken from one County and added to another in the same way as provided for creating new Counties and subject to the same conditions and limitations imposed in this Article.

The question being put, the substitute was rejected.

Section 7 as amended by Mr. J. L. Glenn was then adopted.

Mr. McKAGEN moved to strike out the proviso adopted in Section 7 and substitute the following :

Provided, That any township or part of a township seceding from a County shall be held liable for its just proportion of any past indebtedness of the County seceded from, and such proportion of indebtedness shall be collected by County seceded from.

Mr. HEMPHILL presented the following account of Charles A. Calvo, Jr., which was read the first time and referred to the Committee on Contingent Accounts and Expenses :

THE STATE OF SOUTH CAROLINA

TO CHARLES A. CALVO, JR., DR.

1895.

Oct. 23.	To ptg 200 copies Convention Journal, Oct. 3 to Oct. 22, inclusive—		
	56 L. P. pp. @ $1.07	$59 92	
	22 Brev. pp.=31 L. P. @ $1.07	33 17—	$93 09
	To ptg 200 copies Convention Calendars, Oct. 4 to Oct. 23, inclusive—		
	36 pp. @ $1.07		38 52
	To ptg 500 copies Permanent Journal, sigs. 19 to 23, inclusive—		
	50¼ L. P. pp. @ $1.00	$50 25	
	29¾ Brev. pp.=42 L. P. @ $1.00	42 00—	92 25
	To ptg 200 copies Calendar Nos. 42, 45, 46, 48, 49, 50, 51, 52, and Articles from Committee on Engrossed Resolutions—		
	40 pp. @ $1.87		74 80
			$298 66

STATE OF SOUTH CAROLINA, }
RICHLAND COUNTY. }

Personally appeared before me Charles A. Calvo, Jr., who, being duly sworn, deposes and says that the above is a just and true account against the State of South Carolina, no part of which has been paid by discount or otherwise.

CHARLES A. CALVO, JR.

Sworn to before me this 23d day of October, 1895.
GEO. H. HUGGINS, [L. S.]
Notary Public So. Ca.

At 12 M., the hour fixed by the Convention for the consideration of Calendar No. 53, resolutions on the death of Hon. R. H. Hodges,

Mr. W. D. EVANS moved that the Convention proceed to the consideration of the same; which was agreed to.

Mr. W. D. EVANS addressed the Convention as follows:

MR. PRESIDENT: 'Tis but right that this Convention should pause in its deliberations of the momentous questions under consideration to pay tribute to the memory of a deceased member.

Robert H. Hodges, my late friend and colleague upon this floor, was a worthy descendant of a sturdy ancestry that has lived upon the soil of Marlboro County for near two hundred years.

Gregg's History of the Old Cheraws says: "Among the earlier settlers were the Hodges; few families gave a larger number of soldiers to the cause of liberty. The late Capt. George Hodges of Marlboro was the last connecting link with that generation." He was the grandfather of our departed colleague. His maternal ancestor, Philip Pledger, came to Marlboro in 1754, bearing letters of introduction from Charles Irby, a justice of the peace in Amelia County, Va. He bought lands just above the Welsh settlement on the Pee Dee, and, together with his two sons, settled there, all three of whom cast their lot in with the patriots in their struggle for freedom, and rendered valuable service to the cause of liberty.

Robert H. Hodges was a man of strong mind, sound judgment, and always battled for what he considered right with an energy and determination which was irresistible. He was a true friend, a loving husband and affectionate father.

Mr. President, it is unnecessary for me to multiply words in enumerating the many virtues of my friend. The people of his County know him. They knew him to love him. They will remember him to honor. Faithful in every walk in life, he enjoyed the confidence of the entire people to the extent that few men have.

I have been intimate with him in social circles, political affairs, and other works for the upbuilding and protection of the people, and in him the people ever had a faithful, a conscientious and a determined advocate.

He has crossed over the river and now rests from the labors of a life well spent in the interest of his State, his County and his community. The entire people mourn his loss, and I, Mr. President, will ever cherish among memory's records as one of my dearest treasures the thought that he was my friend and counselor.

Mr. ELLERBE addressed the Convention as follows:

Mr. President and Gentlemen of the Convention: Having known the deceased for a number of years, and having been closely and intimately associated with his family, I beg your indulgence for a moment while uttering a word of sorrow at the loss of an acquaintance and valued friend.

On last Tuesday as the news of his death scattered throughout the country many a tear was shed and many a heart was saddened as his friends heard for the first time that Bob Hodges was dead.

To those who knew him it is not difficult to explain the cause of this sorrow. Coming from a family whose very name is synonymous with generosity and hospitality, his was as kind a heart as ever beat in human breast.

About three months ago, shortly after the nomination of delegates to this Convention, I asked one from his County how it was that he ran so well in the primary, getting nearly every vote. The reply was: "Why, Bob hasn't an enemy in Marlboro County." That was to my mind proof of extraordinary character when I remembered the history of his life for the last few years.

"Not an enemy in Marlboro County," and yet twice elected Treasurer of that County since '90 with all the bitterness we have had in this State.

"Not an enemy in Marlboro County," and yet lecturer for his County Alliance at a time when that organization was despised by many people in South Carolina. I tell you it takes character to stand and command respect in times like these, and this I say the deceased had in an eminent degree. Sitting quietly in his seat as he did, few recognized the intrinsic worth of the man.

Let me say in conclusion, Mr. President, that one who lives as he lived need not fear to die.

Mr. BURN addressed the Convention as follows:

Mr. President and Gentlemen of the Convention: Another chair draped in mourning gives notice that another member of the body has passed into the great beyond.

A noble man, a generous spirit, has left the "temple of clay" to enter "the temple not made by hands.

I knew Brother Robert H. Hodges as a County Alliance lecturer. In the cause of educating the people he was earnest, true and devoted. He was a man of splendid mind and a pure heart. In the cause of freedom, truth and religion he was capable of lofty flights of eloquence, and it seemed at times that his lofty spirit would fly away and join "the sweet immortal bands in the beautiful forever in the happy land of song."

"He liveth long who liveth well,
All else is life but flung away."

Such was the life of our brother whose form we shall see no more, whose voice we shall hear no more, whose tongue is still in death.

Mr. ROGERS addressed the Convention as follows:

Mr. President: Although this death has for the past several days been expected, the weight of grief I feel on the loss of a friend is not in the least obviated by reason thereof. My life-long friend is dead, and I

would be untrue to the better impulses of my nature did I allow this opportunity to pass without offering my tribute to his memory.

Mr. President, if there is one upon this floor who is qualified to speak with confidence of the virtues and manly qualities which Robert Hayne Hodges exemplified in his life, that one is myself. We were born and reared upon adjacent plantations; our fathers' homes were just one mile apart, which in rural districts means we were "next door neighbors." He attended his first school in my father's home during the troubled times of the war, when I was but a babe. Later we attended school together at an academy in the neighborhood, the pupils being composed of his brothers and sisters, and my brothers, sisters and cousins. Being near ten years my senior, I had the best of reason for appreciating a striking characteristic he then exemplified. He was always ready to take the part of the weak, and no large boy could impose upon or oppress a small one in his presence, thus giving promise in his youth of those qualities of manliness which with ripening manhood expanded and broadened into a noble man. The foundation of his character was deep, resting upon a high-minded sense of right and wrong. Hence he was devoted to truth, unswerving in principle, broad in charity, and liberal in his opinions and judgments of others. In friendship true and faithful, he made many friends—and a friend once made he never lost—for he never gave a friend cause to mistrust him. Our friendship sir, begun in early youth, was never interrupted up to the day of his death, and I am to-day proud that I had the honor to know he was my friend. He at an early day gave evidences of a far more than ordinary intellect, and aroused in the minds of his relations and friends fond hopes of his future career of usefulness and honor.

He was at an early day left an orphan, and hence his opportunities for a full development of his capabilities by a thorough education were cut off, but in spite of difficulties the fond hopes of his friends have been in large measure realized. I never knew a man who regretted more through life this fact—that he had not more thorough and complete training in his youth—or struggled harder to supply the want by his own exertions.

Mr. President, I hardly heard of his death ere my mind reverted to a visit we paid in company, just before the convening of this Convention, to each of our old homes. When we were passing the spot where the old academy stood, he quoted these touching lines:

> "Why do the friends of my childhood seem
> Restored a while in every pleasing dream?
> Why do I joy the lonely spot to view,
> By artless friendship blessed when life was new?"

Doubtless, sir, his mind was then filled with the same reflections which are now overpowering me, for others of our associates at that dear old spot had already "gone before."

Sir, I am done; I can say no more; I am quite sure no other here can feel so deeply as I do the loss we have all sustained. *He was my friend.*

Mr. B. R. TILLMAN addressed the Convention as follows:

Mr. President: After listening to the eloquent and feeling tributes paid by his personal friends to the memory of our dead colleague, it would seem that there was no room for anything more to be said, but I should do myself

a wrong if I remained silent on this occasion. I was not personally acquainted with Mr. Hodges until the assembling of this Convention, but as Chairman of the Committee on Suffrage, of which he was a member, I have had more or less intimate association with him during the first weeks of our session. While he was a very modest man and not disposed to press himself forward, I had full opportunity to judge of his character and capacity, and I came to have a very high appreciation of both. He was a very clear reasoner, and in his discussion of matters before the Committee there was the fullest evidence of a thorough knowledge of men and affairs, while his patriotism and devotion to duty were always apparent. It, therefore, was natural that our brief acquaintance should have ripened into a feeling of friendship, and there was no member on this floor more shocked and grieved than I when the news of his untimely death was received. Mr. President, while this Convention has only been in session for a few weeks, we have been twice called upon to pause in our deliberations to take cognizance of the fact that "in the midst of life we are in death." We have had to cease from turmoil and strife to recognize the presence of the messenger of fate—the angel of death—whose scythe is ever busy, cutting down now the budding flower, now the ripened grain. It should be a warning to us, Mr. President, that we should so shape our lives and conduct as to be prepared when our own summons shall come. Judging by what I have heard and known of our dead friend, few or none of us are better prepared than he was. In thus paying tribute to his worth as a man when alive, and his memory, now that he has passed from us, I but discharge a duty which is a pleasure. I could not do more, under whatever incentive; I could not do less, without repression of my honest feelings.

The resolutions were unanimously adopted by a rising vote.

IN MEMORY OF

Hon. R. H. Hodges.

The Convention resumed the consideration of the amendment proposed by Mr. McKagen.

Mr. D. S. HENDERSON moved to lay the amendment on the table; which was agreed to.

Mr. GARY moved to insert the word "five" after the word "four," before the words "of this Article," in Section 7; which was agreed to.

Section 7 as amended was adopted.

Section 8. Mr. McGOWAN moved the following as Section 8:

No County seat shall be removed except by a vote of two-thirds of the qualified electors of said County in an election held for that purpose, but such election shall not be held in any County oftener than once in five years.

After debate by Messrs. McGowan and Clayton, the question being put, the Section was adopted.

Mr. BELLINGER offered the following to be known as Section 9:

Each County shall constitute an election district.

Which was agreed to.

Mr. BUIST offered the following to be known as Section 10:

The General Assembly may provide for the consolidation of two or more existing Counties if a majority of the qualified electors of such Counties, voting at an election held for that purpose, shall vote separately therefor, but such elections shall not be held oftener than once in four years in the same Counties.

Which was adopted.

Mr. BUIST offered the following to be known as Section 11:

Each County shall elect a Sheriff, a Clerk of the Court, and a Coroner, whose respective terms of office shall be four years, and whose powers and duties shall be defined by law: *Provided*, The Sheriff shall not be eligible to re-election until the expiration of four years.

Mr. D. S. HENDERSON moved to strike out all after the word "*Provided.*"

After debate by Messrs. D. S. Henderson, Wharton, G. D. Tillman, Stanyarne Wilson, Barker, Buist, George Johnstone and Stribling,

Mr. STANYARNE WILSON moved to lay the proposed Section on the table; which was agreed to.

Mr. BUIST offered the following to be known as Section 12:

A chain gang shall be established in every County in the State: *Provided*, That this Section shall not prevent two or more Counties from consolidating their respective chain gangs.

On motion of Mr. OTTS, the proposed Section was laid on the table.

Mr. BUIST offered the following to be known as Section 13 :

Each of the several townships of this State, with names and boundaries as now established by law, shall constitute a body politic, but this shall not prevent the Legislature from organizing other townships.

After debate by Messrs. George Johnstone and G. D. Tillman,

The pending question being the proposed Section 13,

Mr. G. D. TILLMAN having the floor, at 2 P. M., the Convention receded from business until 8 P. M.

RECESS.

The PRESIDENT resumed the chair at 8 P. M.

The pending question being the following, proposed by Mr. Buist, to be known as Section 13 :

Each of the several townships of this State, with names and boundaries as now established by law, shall constitute a body politic; but this shall not prevent the Legislature from organizing other townships.

Mr. GEORGE D. TILLMAN resumed the floor and continued his remarks, followed by Messrs. Russell, Houser, and Stanyarne Wilson.

Mr. OTTS offered the following as a substitute for the proposed Section 13 :

Each of the townships of this State, with names and boundaries as now or hereafter established by the General Assembly, shall be a body politic and corporate, and the General Assembly shall provide a uniform system of local government for the same, and require each township to contribute its proportional part of the proper expenses of an efficient County and State government.

After debate by Messrs. Otts, Buist, Parrott,

Mr. E. J. KENNEDY called the previous question on the whole matter ; which was agreed to.

The following spoke in favor of the substitute : Messrs. Burn, Bowman and Derham.

Mr. G. D. TILLMAN moved that all papers desired to be submitted by any member be printed in the Journal for the information of the members ; which was agreed to.

The following documents were submitted and ordered printed in the Journal :

By Mr. BARTON—Substitute for Section 13, proposed by Mr. Barton :

Each of the several townships of this State, with names and boundaries as now established by law, shall constitute a body politic, but this shall not prevent the General Assembly from organizing other townships or changing the boundaries of those already established, and the General Assembly may provide such system of township government as they shall think proper.

By Mr. CLAYTON—

The General Assembly shall provide for the election or appointment of such County and township officers, not otherwise provided for, as may be necessary to an economical and efficient administration of County and township affairs, prescribe their duties, term of office and compensation, and in all cases where public funds are involved protect the same by requiring adequate bond and security from each official entrusted with the custody thereof.

By Mr. TAYLOR—

Mr. Taylor moves to amend Section proposed as Section twelve by adding to the end of the Section "on changing the boundaries thereof as now or hereafter to be established."

REPORT OF STANDING COMMITTEE.

Mr. FIELD, for the Committee on Contingent Accounts and Expenses, submitted the following report:

The Committee on Contingent Accounts and Expenses, to whom was referred the account of Chas. A. Calvo, Jr., for $298.66 for printing for the Convention, respectfully report that they have carefully examined the same and recommend that it be paid.

W. T. FIELD, Chairman,
For Committee.

Which was considered immediately, adopted, and the claim ordered paid.

LEAVES OF ABSENCE.

Mr. D. S. HENDERSON was granted leave of absence until Monday next.

The pending question being the substitute proposed by Mr. Otts,

On motion of Mr. IRBY, at 10.50 P. M., the Convention adjourned until 10 A. M. to-morrow.

THIRTY-SECOND DAY.

Friday, October 25, 1895.

The Convention assembled at 10 o'clock A. M.

The Secretary called the roll.

The PRESIDENT took the chair.

A quorum being present, the deliberations were opened with prayer by the Rev. Mr. PARROTT.

The Journal of yesterday's proceedings was read and confirmed.

LEAVES OF ABSENCE

Were granted to Mr. Howell until November 4, to Messrs. Sheppard, Rogers, Meares, Timmerman, McCalla, Sullivan, Perritte and Ragsdale until Monday next.

UNFINISHED BUSINESS.

Calendar No. 29, report of the Committee on Counties and County Governments (minority report), Mr. Austin for Committee.

The Convention resumed the consideration of the proposed substitute offered by Mr. Otts for the proposed Section 13 offered by Mr. Buist.

[The proposed substitute and Section printed in the Journal of yesterday.]

Debate was continued by Messrs. J. D. Montgomery, Stokes, Wharton, B. R. Tillman, Breazeale, W. C. Smith, Haynsworth, Cooper and Stanyarne Wilson for the negative, and by Messrs. McMahan, Connor, Ira B. Jones, Miller and Geo. D. Tillman for the affirmative.

The question being put: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 48; nays, 87.

Those who voted in the affirmative are :

Yeas—Messrs, Barker, Bates, Berry, Bowman, Bryan, Buist, Burn, Connor, Derham, Doyle, Ellerbe, Estridge, Farrow, Floyd, Gage, Garris, J. L. Glenn, Graham, Gray, Gunter, Hay, Irby, George Johnstone, Ira B. Jones, Keitt, McDermotte, McMahan, W. J. Montgomery, Moore, Nathans, Otts, Parler, J. H. Read, I. R. Reed, Rosborough, Russell, Smalls, A. J. Smith, Jeremiah Smith, R. F. Smith, Stackhouse, G. D. Tillman, Timmerman, Wells, Whipper, S. E. White, Wigg, and Woodward.—48.

Those who voted in the negative are :

Nays—Hon. John Gary Evans, President, and Messrs. Aldrich, Alexander, Anderson, Ashe, Atkinson, Austin, Barry, Barton, Behre, Bobo, Bowen, Bradham, Breazeale, J. S. Brice, T. W. Brice, Cantey, Carver, Clayton, Cooper, Cunningham, DeHay, Dennis, Dent, Douglass, Dudley, Efird, W. D. Evans, Field, Fitch, Fraser, Gamble, Gary, J. P. Glenn, Gooding, Harris, Harrison, Haynsworth, Hemphill, Henry, Houser, Howell, Hutson, T. E. Johnson, Wilie Jones, E. J. Kennedy, J. W. Kennedy, Klugh, Lee, Lowman, Lybrand, McCalla, McCown, McGowan, McKagen, McMakin, McWhite, Matthews, Meares, J. D. Montgomery, Morrison, Mower, Murray, Nash, Nicholson, Parrott, Patterson, Patton, Peake, Prince, Redfearn, Rowland, Sheppard, Sloan, W. C. Smith, Stokes, Stribling, Sullivan, Talbert, Taylor, B. R. Tillman, Von Kolnitz, Waters, Wharton, Wiggins, Stanyarne Wilson, and Winkler.—87.

The question was then put upon the proposed Section 12 offered by Mr. Buist.

The Convention refused to adopt the proposed Section.

Mr. BARTON offered the following to be known as Section 11 :

Each of the several townships of this State, with names and boundaries as now established by law, shall constitute a body politic, but this shall not prevent the General Assembly from organizing other townships or changing the boundaries of those already established, and the General Assembly may provide such system of township government as it shall think proper.

Mr. B. R. TILLMAN moved to amend as follows : Insert after the word "politic" the words, "and corporate ;" which was agreed to.

Also to add to the end of the Section the words "in any or all the Counties ;" which was agreed to.

The amendment of Mr. Barton as amended by Mr. B. R. Tillman was then adopted as Section 11.

Section 12. Mr. WELLS proposed the following to be known as Section 12 :

Until changed by the General Assembly, as allowed by this Constitution, the boundaries of the several Counties shall remain as now established, except that the boundaries of the County of Edgefield shall undergo such changes as are made necessary by the formation of a new County from a portion of Edgefield, to be known as Saluda, the boundaries of which are set forth in a Constitutional ordinance.

Which was agreed to.

Mr. G. D. TILLMAN proposed the following amendment to be known as Section 13 :

The qualified voters of each township shall elect, at such times and for such term of office as may be prescribed by law, a Township Clerk and Treasurer; also three discreet persons to be known as the Board of Township Directors, who shall provide for the care of all paupers and lunatics in the township, assess all property in the township for taxation, and who shall have charge of the township roads, bridges and ferries, the public schools, appoint the managers of all Federal, State, County and township elections, shall register all qualified voters of the township, and shall discharge such other duties and receive such compensation for their services as the Legislature may prescribe.

On motion of Mr. E. J. KENNEDY, the proposed Section was laid on the table.

Section 9. Mr. WELLS moved to reconsider the vote whereby Section 9 was adopted on yesterday ; which was agreed to.

Mr. WELLS moved to amend by adding to the end of Section 9 the words "and shall be a body politic and corporate;" which was agreed to.

The Section as amended was adopted.

Mr. B. R. TILLMAN moved to reconsider the vote whereby Section 2 was adopted on yesterday ; which was agreed to.

Mr. B. R. TILLMAN offered the following substitute to Section 2 :

If two-thirds of the qualified electors voting at such election shall vote "yes" upon such question, then the General Assembly at the next session shall establish such new County: *Provided*, No section of a County proposed to be dismembered shall be thus cut off without consent of a two-thirds vote of those voting in such section, and no County shall be formed without complying with all the conditions imposed in this Article. An election upon the question of forming the same proposed new County shall not be held oftener than once in four years.

The question being put, the proposed substitute was adopted as Section 2.

Mr. McGOWAN moved to reconsider the vote whereby the Convention adopted the substitute of Mr. B. R. Tillman as Section 2 and to lay that motion on the table ; which was agreed to.

Mr. BARKER moved to reconsider the vote whereby the Convention had adopted Section 11 ; which was agreed to.

Mr. BARKER then moved to amend Section 11 as follows : Add to the end of the Section the following words : "and may make special provision for municipal government and for the protection of chartered rights and powers of municipalities ;" which was agreed to.

The Section as amended was adopted.

The Article as amended was read the second time, adopted and ordered to be engrossed for a third reading to-morrow.

Mr. STANYARNE WILSON moved to reconsider the vote whereby the Convention read the second time, adopted and ordered to a third reading to-morrow the Article as amended, and to lay that motion on the table ; which was agreed to.

Calendar No. 26, report of a part of the Committee on Counties and County Government (Mr. Otts for Committee,) was laid on the table.

Calendar No. 27, report of the Committee on Suffrage.

Section 1. Mr. MILLER offered the following : Strike out on page 1 all after the words "report of the Committee on the right of suffrage" and all on pages two, three and four.

After debate by Mr. Miller,

At 2 P. M., Mr. Miller having the floor,

On motion of Mr. B. R. TILLMAN, the Convention receded from business until 7.30 P. M. this day.

RECESS.

The PRESIDENT resumed the chair at 7.30 P. M.

The pending question being the motion of Mr. Miller to strike out all after the words "report of the Committee on Right of Suffrage" on pages one, two, three and four,

Mr. MILLER resumed the floor and continued his remarks.

On motion of Mr. E. J. KENNEDY, the motion was laid on the table.

Mr. WIGG offered the following as a substitute for Calendar No. 37, report of the Committee on Suffrage :

Section 1. All elections by the people shall be by ballot.

Section 2. Every elector shall be eligible to any office, but no person shall hold more than one office of trust and emolument at the same time, except officers in the militia, and notaries public.

Section 3. Every citizen of the United States, twenty-one years of age and over, not laboring under any disability named in this Constitution, who shall have resided two years in the State, and one year in the County in which he offers to vote, and who can read a section in this Constitution, or who is a freeholder, or who shall return for taxation personal property in his own name valued at one hundred dollars or more, and shall be registered according to the law, shall be entitled to vote.

Section 4. The General Assembly shall divide the several Counties in the State into election districts, and shall establish a voting precinct in each, but in no case shall an elector be required to go more than eight miles to vote or register, nor shall any precincts contain more electors than can be conveniently registered or voted within the time required by law.

Section 5. There shall be a registration of all electors before every election, and a list of said electors who shall qualify shall be published and posted in such a manner as the General Assembly may direct, but in no case shall the registration begin more than sixty days, nor close less than thirty days, prior to any election, except to correct errors in the registration, and in no case shall an elector be required to exhibit any certificate of registration, or any other instrument whatever, before he shall be allowed to register or vote: *Provided*, that a list of all electors qualified shall be published in the County, and a list of electors by district shall be posted at the precinct at which they are qualified to vote not less than twenty days prior to every election.

Section 6. The right of appeal from the decision of officers of election shall not be denied or abridged, and all such appeals shall have precedence over all causes, and shall be heard and judgment given within seven days from the time the action is begun: *Provided*, That electors shall vote only at the precinct at which they are qualified, and that any elector shall have the right to be transferred from one precinct to another at any time before the registration is closed.

Section 7. All elections shall be in plain view of the electors, and the right for political parties to appoint watchers or witnesses at the polls shall not be denied or abridged, and the counting of the ballot shall be in public.

Section 8. No voter shall be required to deposit his ballot in more than one ballot box at any election, nor shall more than one ballot be used.

Section 9. The following persons are disqualified from being registered or voting:

First. Persons convicted of burglary, theft, arson, obtaining goods or money under false pretenses, perjury, forgery, robbery, bribery, embezzlement, bigamy, or crimes against the election laws: *Provided*, That the pardon of the Governor shall remove such disqualification.

Second. Persons who are insane, idiots, paupers supported at the public expense and any persons confined in any public prison.

Section 10. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this State, or of the United States, or of this State, or of the high seas.

Section 11. The General Assembly shall provide by law for the registration of all electors and shall prescribe the manner of holding elections and of ascertaining the result of the same: *Provided,* That there shall be elected by the qualified voters of each County at the first election held under this Constitution, and every two years thereafter, in such manner as shall be prescribed by law, three County Canvassers, two of whom shall be chosen by the party having the greatest number of votes at the preceding election, and one by the party having the next highest number, who shall hold office for two years, whose duty shall be to canvass the votes returned by the Managers of Election; and three District Managers of Election, who shall hold office for two years, whose duty shall be to register electors as shall be required by law, and who shall preside at all elections held during their term of office: *Provided, further,* That the Board of County Canvassers shall constitute the Board of County Registers: *Provided,* That at the first registration under this Constitution the registration shall be conducted by a board of three, to be appointed by the Governor as herein provided.

Section 12. The General Assembly may provide by law for the holding of party primary elections and punishing fraud at the same.

Section 13. Electors in municipal elections shall possess all the qualifications herein prescribed, and the General Assembly shall provide for a special registration of voters for each municipal election.

Section 14. Electors shall, in all cases except treason, felony or a breach of the peace, be privileged from arrest on the days of election during their attendance at the polls and going to and returning therefrom.

Section 15. No power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage in this State.

Section 16. The General Assembly shall provide by law for the punishment of frauds at elections, bribery, intimidation and the neglect of duty of commissioner, managers and registrars of elections.

After argument by Mr. Wigg,

Mr. E. J. KENNEDY moved to lay the substitute on the table; which was agreed to.

Mr. WHIPPER offered the following as a substitute for Calendar No. 37, report of the Committee on Suffrage:

Section 1, All elections by the people shall be by ballot.

Section 2. Every qualified elector shall be eligible to any office to be voted for.

Section 3. Every citizen of the United States of the age of twenty-one years and upwards not laboring under the disabilities named in this Constitution and otherwise qualified shall be a legal elector.

Section 4. The qualifications for suffrage shall be residence in the State one year and in the County sixty days before any general election. The General Assembly shall provide for the election or appointment of one reg-

istrar for each County, who shall register all persons over the age of twenty-one years not disqualified by this Section. All registration under this Constitution shall commence six weeks before each and every general election and continue till within thirty days of the said election. They shall keep their office open at the Court House daily (Sunday excepted) from 10 o'clock A. M. to 4 o'clock P. M. The following persons are disqualified from either registering or voting: those convicted of burglary, larceny, arson, highway robbery, bribery, adultery, embezzlement, bigamy and all crimes against the election laws, also idiots and insane persons and persons supported at public expense, and also persons confined in any public prison: *Provided*, That no person shall be entitled to register or vote who shall attain the age of twenty-one years after the first day of January, 1900, without being able to read and write. The General Assembly shall at its first session after adjournment of this Convention provide laws for the punishment of all persons fraudulently obtaining registration certificates, illegally voting, or in any wise interfering with or attempting to prevent any person from the free and fair exercise of the elective franchise.

Section 5. Any person denied registration shall have the right to appeal to any Court or Judge thereof to determine any question that may arise in consequence of such denial.

Section 6. For the purpose of voting no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this State or of the United States or on the high seas.

Section 7. Each political party shall be represented on the Board of County Canvassers for each County; also on the Board of Managers at each precinct.

Section 8. The several Counties in this State shall be divided into election districts, with one precinct at each of the same, at which alone the voters registered for that precinct can cast his ballot: *Provided*, That a voter may be transferred from one election district to another; but a change from one place to another in the same district shall not affect the status of the voter.

Mr. WHIPPER moved that debate be adjourned on his substitute until to-morrow; which was agreed to.

LEAVES OF ABSENCE.

Mr. Moore was granted leave of absence until Tuesday next, Messrs. McKagen, Connor, Nash, Stackhouse, W. C. Smith and Gage until Monday next.

The pending question being the substitute proposed by Mr. Whipper,

On motion of Mr. IRA B. JONES, the Convention adjourned at 10 P. M. until 10 A. M. to-morrow.

THIRTY-THIRD DAY.

Saturday, October 26, 1895.

The Convention assembled at 10 o'clock A. M.

The Secretary called the roll.

The PRESIDENT took the chair.

A quorum being present, the deliberations were opened with prayer by the Rev. Mr. PARROTT.

The Journal of yesterday's proceedings was read and confirmed.

Mr. BOWMAN moved that when this Convention adjourn it stand adjourned until 11 A. M. Monday next; which was agreed to.

PETITION.

Mr. EFIRD (by request) presented the following petition, which was received as information, printing and reference dispensed with :

LEXINGTON, S. C., October 10th, 1895.

To the Hon. John Gary Evans, B. R. Tillman, C. M. Efird, J. L. Shuler, Rev. E. L. Lybrand, and all the other members of the Constitutional Convention:

We, the undersigned, men and citizens of Lexington, believing like Henry Clay that it is better to be right than to be President, and also believing that the cause of Woman's Suffrage is right and just, we therefore hereby express to your honorable body our belief in and desire for the bestowal of the ballot upon the intelligent women of this State.

We recommend such educational and property qualifications as you deem best, from your high standpoint of trust and responsibility, and as most consistent with the peace and safety of all concerned, and the good of the entire country.

J. G. GRAICHEN, Clergyman.
EDWIN J. DREHER, Teacher.
W. P. ROOF.
J. E. HENDRIX.
G. M. HARMAN, Editor and Publisher Lexington *Dispatch*.
JAMES W. OGILVIE.
E. B. ROOF.
SIMEON CORLEY, for universal suffrage.
A. O. WILSON.
K. I. N. HICKS.
F. C. CAUGHMAN.
J. S. HENDRIX.
S. A. B. HARMAN.
GEO. SAWYER.
B. F. GROSS.
J. W. LEE.
P. H. GROSS, for universal suffrage.

If we stand for nothing else, let us stand for our highest convictions of duty in relation to the equality of men and women—no sex in politics, government, or morals, and for the general good as the recognized aim of every individual. M. A. C.

UNFINISHED BUSINESS.

Calendar No. 37, report of the Committee on Suffrage.

The Convention proceeded to the consideration of the substitute submitted by Mr. Whipper and printed in the Journal yesterday.

Mr. WHIPPER proceeded to address the Convention.

Debate continued by Mr. SMALLS.

On motion of Mr. B. R. TILLMAN, further debate on this subject was adjourned until 7:30 P. M. Monday next.

GENERAL ORDERS.

Calendar No. 32, report of Committee on Militia.

Section 1 was adopted as reported by the Committee.

Section 2 was adopted as reported by the Committee.

Section 3 was adopted as reported by the Committee.

Section 4 was adopted as reported by the Committee.

Section 5 was adopted as reported by the Committee.

The Article was adopted as a whole and ordered engrossed for a third reading to-morrow.

Calendar No. 38, resolution to limit expenses of administering estates (report unfavorable), Mr. Doyle.

Mr. DOYLE moved that it be continued on the Calendar, and be taken up in consideration with the report of the Legislative Department; which was agreed to.

Calendar No. 46, report of Committee on Jurisprudence:

Section 1 was adopted as reported by the Committee.

On motion of Mr. BELLINGER, Section 2 was passed over.

Sections 3 and 4 were adopted as reported by the Committee.

On motion of Mr. BELLINGER, Section 5 was passed over for the present.

Calendar No. 49, report of Committee on Rules.

Mr. STANYARNE WILSON moved to amend by adding as Section 10:

One copy to each of the Clerks of Circuit Courts of this State.

On motion of Mr. OTTS, the amendment was laid on the table.

Mr. I. R. REED moved to amend line 4 by striking out "one" and inserting in lieu thereof "two."

On motion of Mr. OTTS, the amendment was laid on the table.

The report of Committee on Rules was adopted as presented by the Committee.

On motion of Mr. STANYARNE WILSON, at 1:30 P. M., the Convention adjourned until 11 A. M. Monday next.

THIRTY-FOURTH DAY.

Monday, October 28, 1895.

The Convention assembled at 11 o'clock A. M.

The Secretary called the roll.

The PRESIDENT took the chair.

A quorum being present, the deliberations were opened with prayer by the Rev. Mr. ABNEY.

The Journal of yesterday's proceedings was read and confirmed.

REPORTS OF STANDING COMMITTEES.

The Committee on Engrossed Resolutions and Ordinances, to whom was referred an Article relating to the Militia, beg leave to report that the same has been correctly engrossed and revised.

W. J. MONTGOMERY, for Committee.

UNFINISHED BUSINESS.

Calendar No, 46, report of Committee on Jurisprudence.

Section 5, on motion of Mr. BELLINGER, was taken up out of its order.

The Section was adopted as reported by the Committee.

Section 6. Mr. BELLINGER moved to amend as follows, by adding as Section 6 :

In the case of any prisoner lawfully in the charge, custody or control of any officer, State, County or municipal, being seized and taken from said officer, either by force or strategy, by a mob or other unlawful assemblage of persons, and at their hands suffering bodily violence or death, the said officer shall be deemed guilty of a misdemeanor, and upon true bill found shall be deposed from his office pending his trial, and upon his conviction shall forfeit his office, and shall, unless pardoned by the Governor, henceforth be ineligible to hold any office of trust or profit within this State. It shall be the duty of the Prosecuting Attorney within whose district or County the offense may be committed to forthwith institute a prosecution against said officer, who shall be indicted and tried in such County, other than the one in which the offense was committed, as the Attorney General may elect. The fees and mileage of all material witnesses, both for the State and for the defense, shall be paid by the State Treasurer in such manner as may be provided by law.

Which was agreed to.

Section 2 was adopted as reported by the Committee.

The Article as amended was read a second time, adopted and ordered engrossed for a third reading to-morrow.

Mr. SHEPPARD moved to reconsider the vote whereby Calendar No. 46, report of the Committee on Jurisprudence, was ordered to a third reading ; which was agreed to.

Mr. SHEPPARD moved that the further consideration be passed for the present ; which was agreed to.

GENERAL ORDERS.

Calendar No. 43. *Resolved*, That the Secretary, the Sergeant-at-Arms and the Reading Clerk of this Convention be allowed the same compensation as is paid the Clerk, Sergeant-at-Arms and the Reading Clerk of the House of Representatives of this State.

On motion of Mr. BELLINGER, was laid on the table to be taken up in connection with the report of the Committee on Contingent Accounts and Expenses.

Calendar No. 50, report of the Committee on Finance and Taxation on a resolution requiring that all expenses of the Court of General Sessions for each County be paid by the State. (Report unfavorable.)

On motion of Mr. IRA B. JONES, was passed to be taken up and considered in connection with the report of the Committee on Finance and Taxation.

Calendar No. 52, ordinance relating to subscriptions by Greenville County to certain railroads.

Mr. AUSTIN moved to amend as follows: "*Provided* the conditions upon which the vote was had be complied with by the railroad company or its successors."

The further consideration of this number, on motion of Mr. GRAY, was continued for the present.

Calendar No. 10, report of Committee on Legislative Department.

Mr. DOYLE moved to amend as follows:

Section —. The total cost and expenses of administering, partitioning, division or settlement of estates, or of foreclosing mortgages, shall never exceed ten per centum of the total value of estates or land to be administered, partitioned, divided or settled, or of the property covered by the mortgage, except where said total value is one hundred dollars or less, when said cost and expenses may be twenty per centum of said total value if the said twenty per centum does not produce over ten dollars: *Provided*, That this prohibition shall not operate to defeat contracts or agreements for a greater amount made by the parties interested therein who are *sui juris*.

Mr. DOYLE moved that further consideration of this report be postponed until 10 A. M. to-morrow; which was agreed to.

No. 38, resolution to limit expenses of administering estates, on motion of Mr. DOYLE, was laid on the table.

Calendar No. 23, an ordinance to authorize the issue of State bonds to enable the Counties of the State to do business on a cash basis (report unfavorable), Mr. D. S. Henderson.

Mr. D. S. HENDERSON moved to lay on the table the unfavorable report of the Committee; which was agreed to.

Section 1. Mr. D. S. HENDERSON moved to amend line 5 by striking out the words "at the beginning of the next fiscal year;" which was agreed to.

Mr. B. R. TILLMAN moved to amend lines 1 and 2 by striking out the words "his Excellency;" which was agreed to.

The Section as amended was adopted.

Section 2. Mr. D. S. HENDERSON moved to amend line 3 by striking out the word "shall" and inserting the word "may;" which was agreed to.

Mr. DUDLEY moved to amend line 1 by striking out the words "they have" and inserting the words "it has;" which was agreed to.

Also, line 2, by striking out the words "they are" and inserting the words "it is;" which was agreed to.

Mr. GEORGE JOHNSTONE moved to amend same Section, line 7, after the word "expedient" insert the words "subject, however, to the provisions of the Constitution of this State;" which was agreed to.

The Section as amended was adopted.

Section 3. Mr. D. S. HENDERSON moved to amend as follows: Strike out at end of Section the words "to meet the expenses of the ensuing fiscal year, 1895-96," and insert in lieu thereof "to be expended for said purpose;" which was agreed to.

Mr. B. R. TILLMAN moved to amend as follows: Lines 4 and and 5 by striking out the words "of the State" and inserting the words "whose Counties are not now on a cash basis;" which was agreed to.

Also, amend line 6 by striking out the word "the" before "Counties" and inserting the word "such;" which was agreed to.

Section 3 as amended was adopted.

Section 4. Mr. D. S. HENDERSON offered the following substitute:

That the General Assembly is authorized and required in hereafter directing levies for taxes for ordinary County and school purposes, to base the same upon the intention of this ordinance to keep the Counties on a cash basis.

The substitute was adopted as Section 4.

Section 5. Mr. B. R. TILLMAN offered the following: Add to the Section: "And upon notification by a Grand Jury of any County that any such officer has exceeded the authority given him, and made contracts which will create a debt against such County, the Governor shall remove such officer and his place be filled according to law."

After debate by Messrs. Sheppard, George Johnstone, B. R. Tillman, Clayton, Derham, D. S. Henderson and J. D. Montgomery, without action being taken on the amendment, the following was taken up:

Calendar No. 32, report of the Committee on Militia.

Which was read the third time, adopted and ordered referred to the Committee on Order, Style and Revision.

The pending question being the amendment proposed by Mr. B. R. Tillman to Section 5, Calendar No. 23, to authorize the issue of State bonds to enable the Counties of the State to do business on a cash basis,

On motion of Mr. SHEPPARD, at 2 P. M., the Convention receded from business until 7:30 P. M. this day.

RECESS.

The PRESIDENT resumed the chair at 7:30 P. M.

PETITION.

Mr. BELLINGER presented the following petition, which was read and received as information :

To Hons. John Gary Evans, President, and all other Members of the Constitutional Convention:

We, the undersigned women of Barnwell County, earnestly urge upon you to give us the ballot with an educational or property qualification.

We base our appeal on justice, we being subject to the burdens and penalties of government, and because, as tax payers, we have a right to representation.

Mrs. Virginia D. Young.
Mrs. M. M. Buckner.
Mrs. Pauline Brunson.
Mrs. Matilda Knight.
Mrs. Iola K. Bessenger.
Mrs. Lizzie M. Preacher.
Mrs. Ida G. Jarrel.
Mrs. Anna A. Bassett.
Miss Ida M. Hair.
Mrs. Geneva Barber.
Mrs. Martha A. Craddock.
Mrs. Hattie M. Fennell.
Miss Minnie Fennell.
Miss Donnie Fennell.
Mrs. Nettie Fennell.
Mrs. M. O. Lanier.
Mrs. L. P. Sindersine.
Mrs. Mary E. Conally.
Mrs. S. J. Grayson.
Miss Maude Sindersine.
Mrs. Dora Wilson.
Mrs. Rivan Lipsey.
Miss May Brunson.
Mrs. Eliza Allen.
Miss Edna Kearse.
Mrs. Mamie P. Wilson.
Mrs. Eliot Kessler.
Mrs. Lucia B. Knight.
Miss Minnie B. Hair.
Miss Lily Kearse.
Miss Ida E. Craddock.
Miss Maggie Fennell.
Miss Rhoda Fennell.
Miss Laura Fennell.
Mrs. S. M. Ogilvie.
Mrs. M. Z. King.
Miss Ada L. Sindersine.
Mrs. Elizabeth Conally.
Miss Ada Brunson.
Mrs. Rebecca S. Williams.

UNFINISHED BUSINESS.

Calendar No. 37, report of the Committee on Suffrage.

Mr. ANDERSON spoke in support of the substitute of Mr. Whipper, printed in the Journal of Friday, October 25th, pages 6 and 7.

Debate continued by Messrs. Burn and I. R. Reed.

The question being put: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows :

Yeas, 6; nays, 130.

Those who voted in the affirmative are :

Yeas—Messrs. Anderson, Miller, I. R. Reed, Smalls, Whipper, and Wigg.—6.

Those who voted in the negative are :

Nays—Hon. John Gary Evans, President, and Messrs. Aldrich, Alexander, Ashe, Atkinson, Austin, Barker, Barton, Bates, Behre, Bellinger, Berry, Bobo, Bowen, Bowman, Bradham, Breazeale, J. S. Brice, T. W. Brice, Bryan, Burn, Cantey, Carver, Clayton, Connor, Cooper, Cunningham, DeHay, Dennis, Derham, Douglass, Doyle, Dudley, Efird, Ellerbe, Estridge, W. D. Evans, Farrow, Field, Fitch, Floyd, Fraser, Gamble, Garris, Gary, Gilland, J. P. Glenn, Gooding, Graham, Gray, Gunter, Hamel, Harris, Harrison, Haynsworth, Hemphill, D. S. Henderson, Henry, Houser, Hutson, Irby, Jervey, T. E. Johnson, George Johnstone, Ira B. Jones, Wilie Jones, Keitt, J. W. Kennedy, Klugh, Lee, Lowman, McCalla, McCaslan, McCown, McDermotte, McGowan, McKagen, McMahan, McMakin, McWhite, Meares, Mitchell, J. D. Montgomery, W. J. Montgomery, Morrison, Mower, Murray, Nathans, Nicholson, Oliver, Otts, Parler, Patterson, Patton, Peake, Perritte, Prince, Ragsdale, J. H. Read, Rogers, Rosborough, Rowland, Russell, Sheppard, Shuler, Singletary, Sloan, A. J. Smith, Jeremiah Smith, R. F.Smith, Smoak, Stackhouse, Stokes, Stribling, Sullivan, Talbert, Taylor, B. R. Tillman, G. D. Tillman, Timmerman, Von Kolnitz, Waters, Wells, Wharton, A. H. White, S. E. White, Wiggins, W. B. Wilson, Stanyarne Wilson, Winkler, and Woodward.—130.

Section 1 was adopted as reported by the Committee.

Section 2. Mr. BELLINGER moved to amend as follows: By striking out "officers" on line 3 and inserting the words "an officer;" which was agreed to.

Also, line 4, by striking out "notaries" and inserting the words "a notary;" which was agreed to.

The Section as amended was adopted.

Section 3. Mr. CLAYTON moved to amend line 3. After the word "it" and before the word "shall," insert the words "and every female citizen of this State, and of the United States, twenty-one years of age and upwards, not laboring under the disabilities named in this Constitution, and who, in her own right, owns taxable property of the value of three hundred dollars."

After debate by Messrs. Clayton, Sloan, Hemphill, D. S. Henderson, Burn, Timmerman and McWhite,

The pending question being the proposed amendment of Mr. Clayton,

On motion of Mr. B. R. TILLMAN, at 11 P. M., the Convention adjourned until 10 A. M. to-morrow.

THIRTY-FIFTH DAY.

Tuesday, October 29, 1895.

The Convention assembled at 10 o'clock A. M.

The Secretary called the roll.

The PRESIDENT took the chair.

A quorum being present, the deliberations were opened with prayer by the Rev. Mr. ABNEY.

The Journal of yesterday's proceedings was read and confirmed.

LEAVES OF ABSENCE.

Indefinite leave was granted Mr. Estridge, on account of sickness.

UNFINISHED BUSINESS.

Calendar No. 37, report of the Committee on Suffrage:

Mr. ROGERS moved to lay on the table the amendment proposed by Mr. Clayton to Section 3.

Mr. ROGERS withdrew the motion to lay on the table, at the request of delegates who wished to speak to the amendment.

Debate continued by Messrs. Talbert and Sligh.

Mr. McCALLA called the previous question on this Section; which was agreed to.

The following gentlemen spoke in favor of the amendment: Messrs. McMahan, Berry, Miller and G. D. Tillman.

The following gentlemen spoke against the amendment: Messrs. Prince, Houser, Parrott, Rogers and Bryan.

Mr. CLAYTON moved to reconsider the vote whereby the previous question had been ordered.

The Convention refused to reconsider the vote.

The question being put: "Will the Convention agree to the amendment?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 26; nays, 121.

Those who voted in the affirmative are :

Yeas—Messrs. Clayton, Cooper, Cunningham, Dudley, Ellerbe, W. D. Evans, Hemphill, Keitt, McMahan, Meares, Miller, J. D. Montgomery, W. J. Montgomery, Moore, Nicholson, Parler, Rosborough, Shuler, W. C. Smith, Stackhouse, Taylor, G. D. Tillman, Timmerman, Whipper, S. E. White, and Wigg.—26.

Those who voted in the negative are :

Nays—Hon. John Gary Evans, President, and Messrs. Aldrich, Alexander, Anderson, Ashe, Atkinson, Austin, Barker, Barton, Bates, Behre, Bellinger, Bobo, Bowen, Bowman, Bradham, Breazeale, J. S. Brice, T. W. Brice, Bryan, Buist, Burn, Cantey, Carver, Connor. DeHay, Dennis, Dent, Derhame, Douglass, Doyle, Efird, Farrow, Field, Fitch, Floyd, Fraser, Gamble, Garris, Gary, Gilland, J. L. Glenn, J. P. Glenn, Gooding, Graham, Gray, Gunter, Hamel, Harris, Harrison, Hay, Haynsworth, D. S. Henderson, Henry, Houser, Hutson, Irby, Jervey, T. E. Johnson, George Johnstone, Ira B. Jones, Wilie Jones, E. J. Kennedy, J. W. Kennedy, Klugh, Lee, Lowman, Lybrand, McCalla, McCaslan, McCown, McDermotte, McGowan, McKagen, McMakin, McWhite, Matthews, Mitchell, Morrison, Mower, Murray, Nash, Otts, Parrott, Patterson, Patton, Peake, Perritte, Prince, Ragsdale, J. H. Read, Redfearn, I. R. Reed, Rogers, Rowland, Russell, Sheppard, Singletary, Sligh, Sloan, Smalls, A. J. Smith, Jeremiah Smith, R. F. Smith, Smoak, Stokes, Stribling, Sullivan, Talbert, B. R. Tillman, Von Kolnitz, Waters, Watson, Wells, Wharton, A. H. White, Wiggins, Stanyarne Wilson, W. B. Wilson, Winkler, and Woodward.—121.

On motion of Mr. SHEPPARD, at 2 P. M., the Convention receded from business until 7:30 P. M. this day.

RECESS.

The PRESIDENT resumed the chair at 7:30 P. M.

Calendar No. 37, report of Committee on Suffrage.

Section 3 was adopted as reported by the Committee.

Mr. SLIGH moved to reconsider the vote whereby the Section was adopted ; which was agreed to.

Mr. SLIGH moved to amend as follows :

Amend on line 21 after the words "therein imposed," by adding the following: "The General Assembly may, at any time after the first day of January, 1898, by legislative enactment, provide that every female citizen

of the United States twenty-one years of age and upwards, not laboring under the disabilities named in this Constitution, and, in addition to the qualifications required by it, owning property in this State assessed at three hundred dollars or more, shall be a legal elector."

After debate by Messrs. Sligh, D. S. Henderson and Wharton,

Mr. E. J. KENNEDY moved to lay the amendment on the table.

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows:

Yeas, 99; nays, 42.

Those who voted in the affirmative are:

Yeas—Messrs. Aldrich, Alexander, Anderson, Austin, Barker, Barton, Bates, Behre, Bellinger, Bobo, Bowen, Bradham, Breazeale, J. S. Brice, T. W. Brice, Bryan, Cantey, Carver, Connor, DeHay, Dennis, Douglass, Doyle, Efird, Farrow, Field, Fitch, Floyd, Fraser, Gage, Gamble, Gary, J. L. Glenn, Gooding, Gray, Gunter, Hamel, Harris, Harrison, Hay, D. S. Henderson, Henry, Houser, Hutson, Irby, Jervey, T. E. Johnson, George Johnstone, Wilie Jones, E. J. Kennedy, J. W. Kennedy, Klugh, Lee, Lowman, McCalla, McDermotte, McGowan, McKagen, McMakin, McWhite, Matthews, Mitchell, Morrison, Mower, Murray, Nash, Parrott, Peake, Perritte, Prince, Ragsdale, J. H. Read, Redfearn, I. R. Reed, Rogers, Rowland, Russell, Sheppard, Singletary, Smalls, A. J. Smith, Jeremiah Smith, R. F. Smith, W. C. Smith, Stokes, Stribling, Sullivan, Talbert, B. R. Tillman, Von Kolnitz, Waters, Watson, Wells, Wharton, A. H. White, Wiggins, Stanyarne Wilson, Winkler, and Woodward.—99.

Those who voted in the negative are:

Nays—Hon. John Gary Evans, President, and Messrs. Ashe, Atkinson, Bowman, Burn, Clayton, Cooper, Cunningham, Derham, Dudley, Ellerbe, W. D. Evans, Garris, Graham, Haynsworth, Hemphill, Ira B. Jones, Keitt, McCaslan, McCown, McMahan, Meares, Miller, J. D. Montgomery, W. J. Montgomery, Moore, Nicholson, Otts, Parler, Patton, Rosborough, Shuler, Sligh, Smoak, Stackhouse, Taylor, G. D. Tillman, Timmerman, Whipper, S. E. White, Wigg, and W. B. Wilson.—42.

Mr. GEORGE JOHNSTONE moved to amend line 3 by changing "a" to "an," and by striking out the word "legal;" which was agreed to.

The Section as amended was adopted.

Mr. PATTON moved the following as a substitute for the report of the Committee:

1. Every male citizen of the State of South Carolina of the age of twenty-one years, not laboring under disabilities named in this Constitution, who shall have resided in the State two years, and in the County in which he offers to vote one year next preceding any election, and who shall have paid all poll or other tax due by him to the State for the fiscal year preceding that in which he shall offer to vote; and who, in addition thereto,

(*a*) shall be able to read the Constitution in English print and sign his name; or

(*b*) shall own in his own name and return for taxation property in this State to the amount of three hundred dollars; or

(*c*) shall have been engaged in the active military or naval service of the late Confederate States of America, or of the United States of America, during the late war between the States; or

(*d*) shall be the lawful lineal descendant of a person who was engaged in such service, and shall be alive at the time of the adoption of this Constitution, shall be a qualified elector of this State, and, when duly registered, shall be entitled to vote for all officers that are now or may hereafter be elected by the people, and upon all questions submitted to the electors at any election.

2. The General Assembly shall enact just and equal laws for the accurate registry of the qualified electors of this State, and they shall also establish convenient, fair and impartial tribunals to pass upon and determine the qualifications of persons offering themselves for registration as qualified electors.

3. A popular government cannot exist without a pure ballot; the General Assembly. therefore, shall enact stringent laws for the regulation of the registry and elections of this State, with severe penalties for the violations of the same. Any person who shall willfully violate such laws shall, upon conviction, in addition to such penalties as the General Assembly may impose, be forever disqualified from voting and debarred from holding public office in this State; and the disabilities imposed by this Section shall not be removed by the pardon of the Governor or by Act of the General Assembly.

After debate by Messrs. Patton, Haynsworth and Miller,

Mr. PATTON moved to adjourn debate until to-morrow.

Mr. B. R. TILLMAN moved that all proposed amendments and substitutes be offered and be printed in the Journal for information of the delegates; which was agreed to.

REPORT OF STANDING COMMITTEE.

The Committee on Engrossed Resolutions and Ordinances, to whom was referred an Article relating to Counties and County Government, beg leave to report that the same has been correctly engrossed and revised.

T. E. DUDLEY, for Committee.

Mr. FIELD, for the Committee on Contingent Accounts and Expenses, submitted the following report, which was considered immediately and agreed to :

The Committee on Contingent Accounts and Expenses respectfully recommend and submit to the Convention for consideration the following resolution.

W. T. FIELD, Chairman of Committee.

Resolved by the Constitutional Convention of South Carolina, now assembled,

1. That the clerks now employed by the Committees and in the Engrossing Department be, and are hereby, dispensed with.
2. That each be allowed as compensation the sum of two dollars a day from the date on which he began work, as ascertained by the Secretary of this Convention from the Chairmen of the several Committees; also five cents a mile for the distance actually traveled in going to and returning from home during the recess.
3. That the Chief Clerk of the Engrossing Department be, and is, authorized to employ such clerical assistance as he shall actually need.

Mr. Yeldell, Chief Clerk of the Engrossing Department, submitted the following, which was received as information :

Governor John Gary Evans,
President Constitutional Convention of South Carolina.

I respectfully report that the Committees have finished, or have about finished, their work, and since the questions now before the Convention for consideration will engender lengthy debate, I am of the opinion that two clerks will be sufficient to do the work in the Engrossing Department to the end of the session.

Respectfully submitted.

WM. H. YELDELL,
Chief Clerk Engrossing Department.

October 29, 1895.

PROPOSED AMENDMENTS TO SECTION 4 OF THE ARTICLE ON SUFFRAGE.

By Mr. DUDLEY—

SECTION 4. The qualification for suffrage shall be as follows :

(*a*) Continuous residence next preceding any election in which the elector offers to vote, in the State two years, in the County one year, and in the election district six months, and payment of all legally assessed taxes, including poll tax, by those liable to taxation, next prior to such election.

(*b*) Registration, which shall provide for the enrollment of every elector once in ten years.

(*c*) The Australian ballot system or some modification thereof shall be provided by the General Assembly.

(*d*) Managers of election shall require of every elector offering to vote at any election, before allowing him to vote, proof of payment of all taxes, including poll tax, when due, assessed against him for the previous year.

(*e*) Registration certificates when lost shall be renewed if the applicant is qualified under the provisions of this Constitution.

By Mr. MONTGOMERY—

Add a Section, to be known as subsection *g*, as follows: In addition to the vote provided for in subsection "*c*," each elector who has complied with the regulations prescribed in the other subsections of this Section, except that requiring him to be able to read and write any Section of this Constitution, who has paid at the tax-gathering next preceding any State, County or Federal election taxes on real and personal property, or either, of the assessed value of three hundred dollars or more, shall be entitled to one additional vote. The enforcement of this Section to be optional with the General Assembly after January 1, 1898.

On line 13 strike out all the words after the words "voting age" in said line down to and including the word "officer" in the fourteenth line.

By Mr. JERVEY—

Mr. Jervey moved to amend Section 4, subdivision *c*, as follows:

Strike out the words "after January 1st, 1898," on line 10.

Strike out from word "all," on line 12, to "elections," on line 15, both inclusive, and insert in lieu thereof the following: "Every person who now holds a valid registration certificate shall, upon presentation and surrender of the same, be entitled to register and become an elector without reference to the foregoing requirements."

On motion of Mr. B. R. TILLMAN, at 10:45 P. M., the Convention adjourned until 10 A. M. to-morrow.

THIRTY-SIXTH DAY.

Wednesday, October 30, 1895.

The Convention assembled at 10 o'clock A. M.

The Secretary called the roll.

The PRESIDENT took the chair.

A quorum being present, the deliberations were opened with prayer by the Rev. Mr. ABNEY.

The Journal of yesterday's proceedings was read and confirmed.

LEAVES OF ABSENCE.

Indefinite leave was granted Mr. Timmerman; to Mr. Prince on account of sickness, and to Mr. Redfearn until to-morrow.

UNFINISHED BUSINESS.

Calendar No. 37, report of Committee on Suffrage, the pending question being the substitute proposed by Mr. Patton printed in the Journal of yesterday, page 4.

Mr. McGOWAN spoke in opposition to the proposed substitute.

After debate by Messrs. Bryan, Patton, Fitch and Ragsdale,

Mr. D. S. HENDERSON called the previous question on the substitute proposed by Mr. Patton to Section 4.

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows:

Yeas, 94; nays, 47.

Those who voted in the affirmative are:

Yeas—Hon. John Gary Evans, President, and Messrs. Aldrich, Atkinson, Austin, Barker, Barton, Behre, Bellinger, Berry, Bobo, Bowen, Bowman, Bradham, Breazeale, Bryan, Cantey, Carver, Connor, Cooper, Cunningham, DeHay, Dennis, Douglass, Doyle, Efird, Farrow, Field, Fraser, Gage, Gamble, Garris, Gary, J. L. Glenn, J. P. Glenn, Gooding, Graham, Gunter, Hamel, Harris, Harrison,

Hay, Haynsworth, D. S. Henderson, Houser, Hutson, Jervey, T. E. Johnson, George Johnstone, Wilie Jones, Keitt, E. J. Kennedy, J. W. Kennedy, Lowman, Lybrand, McCalla, McCaslan, McCown, McKagen, McMakin, McWhite, Matthews, Meares, Moore, Morrison, Murray, Nash, Nicholson, Parler, Patterson, Peake, Ragsdale, Redfearn, Rosborough, Rowland, Russell, Scarborough, Singletary, W. C. Smith, Smoak, Stokes, Stribling, Sullivan, Talbert, Taylor, B. R. Tillman, Timmerman, Waters, Watson, A. H. White, S. E. White, Wiggins, Stanyarne Wilson, W. B. Wilson, and Woodward.—94.

Those who voted in the negative are :

Nays—Messrs. Alexander, Anderson, Bates, J. S. Brice, Burn, Clayton, Dent, Derham, Dudley, Ellerbe, W. D. Evans, Fitch, Floyd, Gray, Hemphill, Irby, Ira B. Jones, Klugh, Lee, McDermotte, McGowan, McMahan, Miller, J. D. Montgomery, W. J. Montgomery, Mower, Otts, Parrott, Patton, Perritte, J. H. Read, I. R. Reed, Rogers, Sheppard, Shuler, Smalls, A. J. Smith, Jeremiah Smith, R. F. Smith, Stackhouse, G. D. Tillman, Von Kolnitz, Wells, Wharton, Whipper, Wigg, and Winkler.—47.

The following gentlemen addressed the Convention in favor of the substitute: Messrs. Burn, Clayton, Jeremiah Smith, Sheppard and Parrott.

The following gentlemen addressed the Convention in opposition to the substitute : Messrs. Lee, Farrow, Bradham and Bryan.

During the address of Mr. Clayton, at 12:20 P. M., the PRESIDENT called Vice President Ira B. Jones to the chair.

The PRESIDENT resumed the chair at 1 P. M.

At 2 P. M., the pending question being the substitute proposed by Mr. Patton, the Convention receded from business until 7:30 P. M. this day.

RECESS.

The PRESIDENT resumed the chair at 7:30 P. M.

Calendar No. 37, report of Committee on Suffrage, the pending question being the substitute proposed by Mr. Patton to Section 4.

The question being put : "Will the Convention agree thereto ?" it was decided in the negative.

The yeas and nays were requested, and are as follows :

Yeas, 20 ; nays, 117.

Those who voted in the affirmative are :

Yeas—Messrs. Bates, T. W. Brice, Burn, Dent, Graham, Jervey, Wilie Jones, Klugh, McDermotte, W. J. Montgomery, Parrott, Patton, Perritte, J. H. Read, Russell, Sheppard, Jeremiah Smith, Stackhouse, Sullivan, and Wigg.—20.

Those who voted in the negative are :

Nays—Hon. John Gary Evans, President, and Messrs. Aldrich, Alexander, Anderson, Austin, Barker, Barton, Behre, Bellinger, Berry, Bobo, Bowen, Bowman, Bradham, Breazeale, J. S. Brice, Bryan, Buist, Cantey, Carver, Connor, Cooper, Cunningham, DeHay, Dennis, Doyle, Dudley, Efird, Ellerbe, W. D. Evans, Farrow, Field, Fitch, Floyd, Fraser, Gage, Gamble, Garris, Gary, J. L. Glenn, J. P. Glenn, Gooding, Gray, Gunter, Hamel, Harris, Harrison, Hay, Haynsworth, Hemphill, D. S. Henderson, Henry, Houser, Hutson, Irby, T. E. Johnson, George Johnstone, Ira B. Jones, Keitt, J. W. Kennedy, Lee, Lowman, Lybrand, McCalla, McCaslan, McCown, McGowan, McKagen, McMakin, McWhite, Matthews, Meares, Miller, Mitchell, J. D. Montgomery, Moore, Morrison, Mower, Murray, Nash, Nathans, Nicholson, Oliver, Otts, Parler, Patterson, Ragsdale, Rosborough, Rowland, Scarborough, Shuler, Singletary, Sloan, Smalls, A. J. Smith, R. F. Smith, W. C. Smith, Smoak, Stokes, Stribling, Talbert, Taylor, B. R. Tillman, G. D. Tillman, Von Kolnitz, Waters, Watson, Wells, Wharton, Whipper, A. H. White, S. E. White, Wiggins, Stanyarne Wilson, W. B. Wilson, Winkler, and Woodward.—117.

Mr. PEAKE stated that he was paired with Mr. Derham ; otherwise he would vote "no."

Mr. CLAYTON stated that he was paired with Mr. Prince ; otherwise he would vote "yea."

Mr. ROGERS, having paired with Mr. Redfearn, announces that Mr. Redfearn would if present vote "no," while he would vote "yea," but explains that he is opposed to the educational and property qualification contained in either proposition, and will not vote for the passage of either as it stands.

Mr. BRYAN moved, on behalf of the Committee, to amend as follows :

SECTION 4. Strike out on lines 3 and 4 after the word "payment" the words "of any poll tax due six months before any election," and insert in lieu thereof the words "six months before any election of any poll tax then due and payable."

Which was agreed to.

Also, strike out lines 9, 10, 11 and 12, down to the word "up ;" which was agreed to.

Also, insert on line 13, after the word "age" the words "applying for registration;" which was agreed to.

Also, line 15, after the word "registered" insert the words "before January 1st, 1898;" which was agreed to.

Also, line 20, between "to" and "registration" insert the words "any future;" which was agreed to.

Also, on line 25, before the word "taxes," insert the word "all;" which was agreed to.

Also, on line 25, after the word "taxes," insert the word "collectable;" which was agreed to.

Also, on line 28, after the word "him," insert the words "and collectable;" which was agreed to.

Also, subdivision (*b*), line 8, add the words "and also an enrollment during each and every year, and every elector not previously registered under the provisions of this Article;" which was agreed to.

Mr. STANYARNE WILSON moved to amend by striking out subsections *c* and *d*, and inserting:

"(*c*) The person applying for registration must be able to read and write any Section of this Constitution, or must be possessed of sufficient intelligence to understand and explain it when read to him by the registration officer."

After debate by Messrs. Wilson, VonKolnitz and B. R. Tillman,

The question being put: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 16; nays, 129.

Those who voted in the affirmative are:

Yeas—Messrs. Alexander, Barry, Bobo, Bowen, T. W. Brice, Carver, Gray, Hamel, Henry, T. E. Johnson, Otts, Peake, J. H. Read, Rowland, Stanyarne Wilson, and W. B. Wilson.—16.

Those who voted in the negative are:

Nays—Hon. John Gary Evans, President, and Messrs. Aldrich, Anderson, Ashe, Atkinson, Austin, Barker, Barton, Bates, Behre, Bellinger, Berry, Bowman, Bradham, Breazeale, J. S. Brice, Bryan, Buist, Burn, Cantey, Connor, Cooper, Cunningham, DeHay, Dennis, Dent, Douglass, Doyle, Dudley, Efird, Ellerbe, W. D. Evans, Farrow, Field, Fitch, Floyd, Fraser, Gage, Gamble, Garris, Gary, J. L. Glenn, J. P. Glenn, Gooding, Graham, Gunter, Harris, Hay, Haynsworth, Hemphill, D. S. Henderson, Houser, Hutson, Irby, Jervey, George Johnstone, Ira B. Jones, Wilie Jones, Keitt, E. J. Kennedy, J. W. Kennedy, Klugh, Lee, Lowman, Ly-

brand, McCalla, McCaslan, McCown, McDermotte, McGowan, McKagen. McMahan, McMakin, McWhite, Matthews, Meares, Miller, Mitchell, J. D. Montgomery, W. J. Montgomery, Moore, Morrison, Mower, Murray, Nash, Nathans, Nicholson, Oliver, Parler, Parrott, Patterson, Patton, Perritte, Ragsdale, I. R. Reed, Rogers, Rosborough, Russell, Scarborough, Sheppard, Shuler, Singletary, Sligh, Sloan. Smalls, A. J. Smith, Jeremiah Smith, R. F. Smith, W. C. Smith, Smoak, Stackhouse, Stokes, Stribling, Sullivan, Talbert, Taylor, B. R. Tillman, G. D. Tillman, Von Kolnitz, Waters, Watson, Wells, Wharton, Whipper, A. H. White, S. E. White, Wigg, Wiggins, Winkler, and Woodward.—129.

Mr. JERVEY moved to amend the same Section, subdivision (*c*), as follows :

Strike out from word "all," on line 12, to "electors," on line 15, both inclusive, and insert in lieu thereof the following: "Every person who now holds a valid registration certificate shall upon presentation and surrender of the same be entitled to register and become an elector without reference to the foregoing requirements."

After debate by Mr. Jervey,

Mr. BELLINGER moved to amend the amendment by inserting between the words "same" and "be" the words "or upon proof that he voted at the general elections of 1892 or 1894, or at the election held on the 20th day of August, 1895."

After debate by Mr. Bellinger,

The question being put, the Convention refused to adopt the amendment to the amendment.

The question being put upon the adoption of the amendment proposed by Mr. Jervey : "Will the Convention agree thereto ?" it was decided in the negative.

The yeas and nays were requested, and are as follows :

Yeas, 12 ; nays, 126.

Those who voted in the affirmative are :

Yeas—Messrs. Anderson, Bates, Dudley, Fitch, Jervey, Miller, J. H. Read, I. R. Reed, Smalls, R. F. Smith, Whipper, and Wigg.—12.

Those who voted in the negative are :

Nays—Hon. John Gary Evans, President, and Messrs. Aldrich, Alexander, Atkinson, Austin, Barker, Barry, Barton, Behre, Bellinger, Berry, Bobo, Bowen, Bowman, Bradham, Breazeale, J. S. Brice, T. W. Brice. Bryan, Buist, Burn, Cantey, Carver, Clayton, Connor, Cooper, Cunningham, DeHay, Dennis, Dent, Douglass, Doyle, Efird, Ellerbe, W. D. Evans, Farrow, Field, Fraser, Gage, Gamble, Garris,

Gary, J. L. Glenn, J. P. Glenn, Gooding, Graham, Gray, Gunter, Hamel, Harris, Harrison, Hay, Haynsworth, Hemphill, D. S. Henderson, Henry, Houser, Hutson, Irby, T. E. Johnson, George Johnstone, Ira B. Jones, Wilie Jones, Keitt, E. J. Kennedy, J. W. Kennedy, Klugh, Lee, Lowman, Lybrand, McCalla, McCaslan, McCown, McDermotte, McGowan, McKagen, McMahan, McMakin, McWhite, Meares, Mitchell, J. D. Montgomery, W. J. Montgomery, Moore, Morrison, Mower, Murray, Nash, Nicholson, Oliver, Otts, Parler, Parrott, Patterson, Patton, Peake, Perritte, Ragsdale, Rogers, Rosborough, Rowland, Russell, Scarborough, Shuler, Sligh, Sloan, A. J. Smith, Jeremiah Smith, W. C. Smith, Smoak, Stackhouse, Stribling, Talbert, Taylor, B. R. Tillman, G. D. Tillman, Waters, Wells, Wharton, A. H. White, S. E. White, Wiggins, Stanyarne Wilson, W. B. Wilson, Winkler, and Woodward.—126.

Mr. DUDLEY offered as a substitute for Section 4 the proposed amendment printed in the Journal of Tuesday, October 29, pages 5 and 6.

Mr. BRYAN offered, on behalf of the Committee, the following amendments to the report of the Committee on Suffrage :

Insert on page 3, Section 7, line 4, at end of Section : "nor while a student of any institution of learning ;" which was agreed to.

Also, strike out Section 5, page 3, and insert a substitute :

(5.) "Any person denied registration shall have the right to appeal to the Court of Common Pleas, or any Judge thereof, and thence to the Supreme Court, to determine his right to vote under the limitations imposed in this Article, and the General Assembly shall provide by law for the correction of illegal and fraudulent registration, voting and all other crimes against the election laws."

Which was agreed to.

Also, strike out on page 3 all of subdivision (*f*) and insert in lieu thereof :

(*f*) The General Assembly shall provide for issuing to each duly elected elector a certificate of registration, and shall provide for the renewal of such certificate when lost, mutilated or destroyed, if the applicant is still a qualified elector under the provisions of this Constitution, or if he has been registered as provided in subsection (*c*) ;

Which was agreed to.

Also, insert on page 4, line 3, Section 13, between the words "are" and "qualified," the word "otherwise ;" which was agreed to.

Also, substitute for Section 12 :

Electors in municipal elections shall possess all the qualifications and be subject to all the disqualifications herein prescribed. The production of a certificate of registration from the registration officers of the County as an elector at a precinct included in the incorporated city or town in which the voter offers to vote is declared a condition prerequisite to his voting, and in addition he must have been a resident within the incorporated limits at least four months before the election, and have paid all taxes previously due.

Also, insert in Section 13, page 4, on line 2, after the word "property" the words "of the assessed value of three hundred dollars;" which was agreed to.

Also, strike out on line 3 the words "of the assessed value of three hundred dollars;" which was agreed to.

Also, add to Section eight (8), line 9, page 3 : "*Provided, further*, That this Section shall also apply to all municipal elections;" which was agreed to.

Also, insert on page 4, Section 13, line 5, after word "municipal," the words "due and collectable;" which was agreed to.

RESOLUTION.

Mr. RUSSELL introduced the following resolution :

Resolved, That the President of this Convention be, and he is hereby, authorized and requested to appoint N. O. Pyles assistant mail clerk, who shall be paid during the remainder of the session the same per diem as that allowed to the mail clerk.

Which was read the first time and ordered for consideration to-morrow.

Mr. B. R. TILLMAN moved that all proposed amendments to the report of the Committee on Suffrage be printed in the Journal; which was agreed to.

AMENDMENTS OF THE REPORT OF THE COMMITTEE ON SUFFRAGE.

All electors, otherwise entitled to the right of suffrage, by action of this Convention, and pay taxes on property to the amount of two hundred dollars or more, and who represent a family, as the head thereof, shall have the right to cast two votes in all elections of this State.

J. N. PARROTT.

Add the following as subsection "*g*," to wit: "The General Assembly shall not impose any qualifications upon the right of registration not prescribed by this Article."

J. C. SHEPPARD.

Section 4th, subdivision (*c*), line 18, strike out "the other provisions," and substitute instead "Section 6."

S. NASH.

Amend Section 4, subdivision *(e)*, by adding at the end thereof the following: "But the production of a certificate of registration shall not be required."

R. D. LEE.

Strike out all of subdivision "*d*" after the word "Constitution," on line 24.

Mr. ROGER

Amend page 3, Section 6, line 5, by adding after the word "bigamy" the following: "wife-beating, desertion of wife and children."

S. W. GAMBLE.

By Mr. BELLINGER—

Amend Section 4, subsection (*c*) line 13, by inserting "any" in lieu of "a," and "submitted to them" after the word "Constitution," so as to read "any clause in this Constitution submitted to them," etc.

Mr. STANYARNE WILSON moved to reconsider the vote whereby the Convention agreed to adopt the report submitted by Mr. Field for the Committee on Contingent Accounts and Expenses which was printed in the Journal of yesterday on page 5; which was agreed to.

On motion of Mr. GARRIS, at 10:45 P. M., the Convention adjourned until 10 A. M. to-morrow.

THIRTY-SEVENTH DAY.

Thursday, October 31, 1895.

The Convention assembled at 10 o'clock A. M.

The Secretary called the roll.

The PRESIDENT took the chair.

A quorum being present, the deliberations were opened with prayer by the Rev. Mr. ABNEY.

The Journal of yesterday's proceedings was read and confirmed.

Indefinite leave was granted Mr. Jervey ; Messrs. Clayton, Moore, McCown, Parler and Garris until Monday ; Mr. Wharton until Tuesday.

GENERAL ORDERS.

Mr. FIELD moved to take up out of its order Calendar No. 55, report of Committee on Contingent Accounts and Expenses, relating to per diem and discharge of Committee clerks ; which was agreed to.

After debate by Messrs. Field, Hemphill, Nicholson, Bryan, Fraser, Fitch, McMahan, A. J. Smith, Watson, Gunter and Stanyarne Wilson,

Mr. STANYARNE WILSON moved to amend the report by adding to the end of Section 1 the words "except the clerk of the Committee on Judicial Department."

Debate continued by Messrs. W. J. Montgomery and Talbert.

Mr. MONTGOMERY moved to lay the amendment of Mr. Wilson on the table ; which was agreed to.

Debate continued by Mr. George Johnstone.

Mr. BOWMAN moved to indefinitely postpone the report of the Committee.

The question being put : "Will the Convention agree thereto ?" it was decided in the negative.

The yeas and nays were requested, and are as follows :

Yeas, 67 ; nays, 68.

Those who voted in the affirmative are :

Yeas—Messrs. Aldrich, Anderson, Austin, Barker, Barry, Bellinger, Bowman, Bradham, J. S. Brice, Bryan, Burn, Cantey, Carver, Clayton, Cunningham, Dennis, Dent, Dudley, Farrow, Fitch, Fraser, Garris, Gary, Gooding, Hamel, Harrison, Hay, Haynsworth, Hemphill, Henry, Houser, Hutson, Irby, Jervey, George Johnstone, Ira B. Jones, Wilie Jones, J. W. Kennedy, Klugh, Lee, McCalla, McCaslan, McDermotte, McGowan, McMakin, Miller, Mitchell, Nathans, Oliver, Patterson, Perritte, J. H. Read, Redfearn, I. R. Reed, Rogers, Smalls, A. J. Smith, Jeremiah Smith, W. C. Smith, Talbert, B. R. Tillman, G. D. Tillman, Von Kolnitz, Waters, Whipper, Wigg, and Stanyarne Wilson.—67.

Those who voted in the negative are :

Nays—Hon. John Gary Evans, President, and Messrs. Alexander, Ashe, Atkinson, Barton, Bates, Berry, Bobo, Bowen, Breazeale, T. W. Brice, Buist, Connor, Cooper, Douglass, Doyle, W. D. Evans, Field, Floyd, Gage, Gamble, J. L. Glenn, Graham, Gunter, Harris, D. S. Henderson, T. E. Johnson, Keitt, E. J. Kennedy, Lowman, McCown, McKagen, McMahan, McWhite, Matthews, Meares, J. D. Montgomery, W. J. Montgomery, Moore, Morrison, Mower, Murray, Nash, Nicholson, Otts, Parrott, Peake, Ragsdale, Rosborough, Rowland, Scarborough. Sheppard, Shuler, Singletary, R. F. Smith, Smoak, Stackhouse, Stokes, Stribling, Sullivan, Taylor, Watson, Wells, A. H. White, S. E. White, Wiggins, Winkler, and Woodward.—68.

Mr. GARY moved to amend by striking out the word "in," on line 1, Section 1.

The question being put, the Convention refused to strike out the word "in."

Debate continued by Messrs G. D. Tillman and Burn.

Mr. FITCH moved to lay upon the table the report of the Committee ; which was agreed to.

Calendar No. 54, resolution relating to appointment of assistant mail carrier.

On motion of Mr. RUSSELL, the resolution was laid on the table.

Mr. E. J. KENNEDY moved to take up Calendar No. 51, an ordinance to permit the General Assembly to pass certain Acts in reference to railroad subscriptions in Chesterfield County ; which was agreed to.

Mr. E. J. KENNEDY offered the following as a substitute therefor :

AN ORDINANCE TO PROVIDE THAT THE GENERAL ASSEMBLY MAY ENACT SUCH LAWS AS MAY BE NECESSARY TO VALIDATE AND CARRY INTO EFFECT SUBSCRIPTIONS TO THE CAPITAL STOCK OF CERTAIN RAILROAD COMPANIES HERETOFORE VOTED BY THE COUNTY OF CHESTERFIELD AND BY THE CITY OF SPARTANBURG, RESPECTIVELY, AND TO VALIDATE AND AUTHORIZE THE ISSUE OF BONDS IN PAYMENT OF THE SAME.

Be it ordained by the people of the State of South Carolina, in regular Convention assembled, That nothing in the Constitution ordained and established by the people of the State of South Carolina, now in regular Convention assembled, shall inhibit the General Assembly from enacting all such laws as may be necessary to validate and carry into effect the subscriptions to the capital stock of the Chesterfield and Lancaster Railroad Company, and to the Chesterfield and Kershaw Railroad Company, heretofore voted for and authorized by the qualified voters of said County, and to validate and authorize the issue of the bonds of said County in payment of the same; or from enacting all such laws as may be necessary to validate and carry into effect the subscription by the city of Spartanburg to the capital stock of the Spartanburg and Rutherfordton Railroad Company, heretofore voted for and authorized by the qualified voters of Spartanburg City, and to validate and authorize the issue of the bonds of said city in payment of the same.

The substitute was adopted as Calendar No. 51.

The substitute was then read a second time and ordered engrossed for a third reading to-morrow.

UNFINISHED BUSINESS.

Calendar No. 37, report of the Committee on Suffrage.

Section 4. The substitute (printed in Journal of Tuesday, October 29, pages 5 and 6,) of Mr. Dudley was then taken up.

Mr. IRBY spoke against the adoption of the report of the Committee.

Mr. DUDLEY proceeded to address the Convention on his substitute.

Debate continued by Mr. W. C. Smith.

The question being put : "Will the Convention agree thereto ?" it was decided in the negative.

The yeas and nays were requested, and are as follows :

Yeas, 25 ; nays, 100.

Those who voted in the affirmative are :

Yeas—Messrs. Bates, Berry, T. W. Brice, Doyle, Dudley, Floyd, Gage, J. L. Glenn, Jervey, McDermotte, McMahan, J. D. Montgom-

ery, W. J. Montgomery, Nathans, Otts, J. H. Read, Rogers, Rosborough, Scarborough, Jeremiah Smith, R. F. Smith, W. C. Smith, Taylor, S. E. White, and Winkler.—25.

Those who voted in the negative are :

Nays—Hon. John Gary Evans, President, and Messrs. Aldrich, Alexander, Anderson, Ashe, Atkinson, Austin, Barker, Behre, Bellinger, Bobo, Bowen, Bowman, Bradham, Breazeale, Bryan, Buist, Cantey, Carver, Connor, Cooper, Cunningham, DeHay, Dennis, Dent, Efird, W. D. Evans, Field, Fraser, Gamble, Garris, Gary, J. P. Glenn, Gooding, Graham, Gray, Gunter, Hamel, Harris, Harrison, Hay, Haynsworth, Hemphill, D. S. Henderson, Wm. Henderson, Henry, Houser, Hutson, T. E. Johnson, George Johnstone, Ira. B. Jones, Wilie Jones, Keitt, E. J. Kennedy, J. W. Kennedy, Klugh, Lowman, Lybrand, McCalla, McCaslan, McGowan, McKagen, McMakin, McWhite, Matthews, Meares, Mitchell, Moore, Morrison, Mower, Murray, Nash, Nicholson, Oliver, Parrott, Patterson, Ragsdale, I. R. Reed, Russell, Sheppard, Shuler, Singletary, Sloan, Smalls, A. J. Smith, Smoak, Stokes, Stribling, Talbert, B. R. Tillman, G. D. Tillman, Von Kolnitz, Waters, Watson, Wells, A. H. White, Wigg, Wiggins, Stanyarne Wilson, and Woodward.—100.

Mr. W. J. MONTGOMERY moved to amend same Section by adding as subsection "*g*" (printed in the Journal of Tuesday, October 29, page 6.)

Mr. W. J. MONTGOMERY amended his proposed Section by striking out at the end of the Section the words "after January 1, 1898."

Mr. W. J. MONTGOMERY proceeded to address the Convention on his proposed amendment.

Debate continued by Messrs. Wells and Burn.

The question being put, the Convention refused to adopt the amendment.

Mr. PARROTT proposed the amendment which was printed in the Journal of Wednesday, October 30, page 8.)

Mr. PARROTT addressed the Convention in support of his amendment.

Debate was continued by Mr. Talbert.

Mr. TALBERT moved to lay the amendment on the table; which was agreed to.

Mr. SHEPPARD moved to amend by adding as subsection "*g*" as follows : "The General Assembly shall not impose any qualification upon the right of registration not prescribed by this Article."

On motion of Mr. OTTS, the amendment was laid on the table.

Mr. LEE moved to amend by adding to the end of subdivision "*c*" the following: "But the production of certificate of registration shall not be required."

Mr. LEE spoke in support of his amendment.

After debate by Messsrs. Patterson and J. D. Montgomery,

Mr. PATTERSON moved to lay the amendment on the table; which was agreed to.

Mr. GEORGE JOHNSTONE moved to amend subsection "*d*," line 21, by striking out the word "may" and inserting in lieu thereof the word "shall;" which was agreed to.

On motion of Mr. SHEPPARD, at 2 P. M., the Convention receded from business until 7.30 P. M. this day.

RECESS.

The PRESIDENT resumed the chair at 7:30 P. M.

Calendar No. 37, report of the Committee on Suffrage.

Section 4. Mr. IRBY moved to discharge the special order and to take up out of its order

Calendar No. 10, report of the Committee on Education.

Mr. B. R. TILLMAN moved to lay the motion on the table.

The question being put, the Convention refused to lay the motion on the table by a rising vote of 74 to 53.

The question being put upon the motion of Mr. Irby to discharge the special order: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 52; nays, 86.

Those who voted in the affirmative are:

Yeas—Messrs. Aldrich, Alexander, Anderson, Berry, T. W. Brice, Burn, Cooper, DeHay, Doyle, Dudley, Ellerbe, W. D. Evans, Field, Floyd, Gage, Gamble, Gray, Hamel, Hemphill, Henry, Irby, Wilie Jones, Keitt, McCaslan, McDermotte, McMahan, McMakin, Meares, Miller, J. D. Montgomery, W. J. Montgomery, Otts, Parrott, Patton, Perritte, I. R. Reed, Rogers, Rosborough, Scarborough, Shuler, Sligh, Smalls, Jeremiah Smith, R. F. Smith, W. C. Smith, Stackhouse, Stribling, Taylor, G. D. Tillman, Watson, Whipper, and Wigg.—52.

Those who voted in the negative are :

Nays—Hon. John Gary Evans, President, and Messrs. Ashe, Atkinson, Austin, Barker, Barry, Barton, Bates, Behre, Bellinger, Bobo, Bowen, Bowman, Bradham, Breazeale, J. S. Brice, Bryan, Buist, Cantey, Carver, Connor, Cunningham, Dennis, Douglass, Efird, Farrow, Fitch, Fraser, Garris, Gary, Gilland, J. L. Glenn, J. P. Glenn, Gooding, Graham, Gunter, Harris, Harrison, Hay, Haynsworth, D. S. Henderson, William Henderson, Houser, Hutson, T. E. Johnson, George Johnstone, Ira B. Jones, E. J. Kennedy, J. W. Kennedy, Klugh, Lee, Lowman, McCalla, McGowan, McKagen, McWhite, Matthews, Mitchell, Morrison, Mower, Murray, Nash, Nicholson, Oliver, Patterson, Peake, Ragsdale, J. H. Read, Redfearn, Russell, Sheppard, Singletary, Sloan, Smoak, Stokes, Talbert, B. R. Tillman, Von Kolnitz, Waters, Wells, A. H. White, S. E. White, Wiggins, Stanyarne Wilson, Winkler, and Woodward.—86.

Mr. ROGERS moved to amend subdivision "*d*" by striking out all after the word "Constitution" on line 22.

Mr. ROGERS proceeded to address the Convention on his proposed amendment.

Debate continued by Mr. B. R. Tillman,

The pending question being the proposed amendment of Mr. Rogers, Mr. Miller having the floor on a question of personal privilege.

On motion of Mr. BARKER, at 11 P. M., the Convention adjourned until 10 A. M. to-morrow.

THIRTY-EIGHTH DAY.

Friday, November 1, 1895.

The Convention assembled at 10 o'clock A. M.

The Secretary called the roll.

The PRESIDENT took the chair.

A quorum being present, the deliberations were opened with prayer by the Rev. Mr. ABNEY.

The Journal of yesterday's proceedings was read and confirmed.

LEAVES OF ABSENCE.

Indefinite leave was granted Messrs. Peake and J. H. Read ; until Wednesday to Mr. Ellerbe ; until Tuesday to Messrs. Cantey, Winkler, Bradham, W. J. Montgomery, Ira B. Jones, Sheppard, Woodward and Stribling ; until Monday to Messrs. Fitch, Von Kolnitz, Meares, Ragsdale, T. W. Brice, Rosborough, S. E. White, Wells, Connor, Nathans, Carver, Houser, Stackhouse and Nash.

Mr. W. D. EVANS moved that so much of the speech of Mr. B. R. Tillman delivered last night as relates to the history of the State be printed in the Journal ; which was agreed to.

Mr. MILLER resumed the floor and continued his remarks on a question of personal privilege.

UNFINISHED BUSINESS.

Calendar No. 37, report of the Committee on Suffrage.

Section 4. The pending question being the proposed amendment to subdivision (*d*) offered by Mr. Rogers and printed in the Journal of yesterday, page 6.

Debate continued by Messrs. Talbert, A. J. Smith, D. S. Henderson and Rogers.

The question being put : " Will the Convention agree thereto ?" it was decided in the negative.

The yeas and nays were requested, and are as follows :

Yeas, 48 ; nays, 75.

Those who voted in the affirmative are :

Yeas—Messrs. Aldrich, Alexander, Anderson, Austin, Bowen, Buist, Burn, DeHay, Dennis, Dudley, Ellerbe, W. D. Evans, Field, Floyd, Graham, Gray, Hamel, Harrison, Hemphill, Wm. Henderson, Henry, Irby, T. E. Johnson, McDermotte, McMakin, McWhite, Miller, J. D. Montgomery, Morrison, Murray, Otts, Peake, Perritte, I. R. Reed, Rogers, Rosborough, Scarborough, Shuler, Singletary, Smalls, A. J. Smith, Jeremiah Smith, W. C. Smith, Talbert, Whipper, Wigg, Wiggins, and Winkler.—48.

Those who voted in the negative are :

Nays—Hon. John Gary Evans, President, and Messrs. Ashe, Atkinson, Barker, Barry, Barton, Behre, Bellinger, Berry, Bobo, Bowman, Bradham, Breazeale, J. S. Brice, Bryan, Cantey, Connor, Cooper, Cunningham, Dent, Douglass, Efird, Farrow, Fitch, Fraser, Gage, Gary, Gilland, J. L. Glenn, J. P. Glenn, Gooding, Gunter, Harris,

Hay, Houser, Hutson, George Johnstone, Wilie Jones, Keitt, E. J. Kennedy, J. W. Kennedy, Klugh, Lee, Lowman, Lybrand, McCalla, McCaslan, McGowan, McKagen, McMahan, Matthews, Mitchell, W. J. Montgomery, Mower, Nathans, Parrott, Patterson, Redfearn, Russell, Sligh, R. F. Smith, Smoak, Stackhouse, Stokes, Sullivan, Taylor, B. R. Tillman, G. D. Tillman, Von Kolnitz, Waters, Watson, Wells, A. H. White, S. E. White, and Woodward.—75.

Mr. IRA B. JONES stated that he was paired with Mr. Sheppard; otherwise he would vote "no."

Mr. HAYNSWORTH stated that he was paired with Mr. McCown; otherwise he would vote "no."

Mr. D. S. HENDERSON stated that he was paired with Mr. Wharton; otherwise he would vote "no."

The amendment proposed by Mr. Bellinger, printed on page 8 in Journal of Wednesday, October 30, was withdrawn by Mr. BELLINGER.

Mr. GEORGE JOHNSTONE moved to amend subsection (*e*), Section 4, by adding thereto: "The production of a certificate or of the receipt of the officer authorized to collect such taxes shall be conclusive proof of the payment thereof;" which was agreed to.

Mr. BRYAN, for the Committee on Suffrage, moved to amend line 11, subsection (*c*), by striking out the words "a clause" and inserting in lieu thereof the words "any Section;" which was agreed to.

Mr. STOKES moved to amend subsection (*d*) by inserting after "*Provided,*" in line 21, the following words: "The General Assembly may prescribe as an additional qualification."

Mr. B. R. TILLMAN addressed the Convention.

The following is the address, which the Convention ordered to be published in full in the Journal:

MR. PRESIDENT AND GENTLEMEN OF THE CONVENTION: I regret that my physical condition is and has been such since Tuesday morning, coupled with enforced attendance upon this Convention, as to render me unable to arrange the data and prepare such a speech as I think the occasion requires. I also feel my inability in a physical way to accomplish what I shall undertake, but I will simply do the best I can.

It has been well said that this is a momentous issue, that this Convention of the people of the State to deal with the question of suffrage will mark an epoch in our history. I may further say that the question of suffrage and its wise regulation is the sole cause of our being here. The prosperity, happiness and progress of this people depend upon its wise solution. The very life of the State is involved in the wisdom or the unwis-

dom of our action. Why do I say this? When the Southern Cross went down in battle and the hopes of the Southern Confederacy were laid in the grave of the "Lost Cause," when we had struggled for four years with a bravery and patriotism and self-sacrifice unparalleled in history for the right of self-government, and for our rights under the Constitution as we conceived and understood them, what came to pass? President Johnson appointed a Provisional Governor, and ordered a Constitutional Convention to be convened to prepare the way for the State of South Carolina to re-enter the Union. That Convention assembled and adopted a Constitution. Under it legislation was enacted; the "Black Code," of which we have heard so much, was part of that legislation. Whatever may be said as to that "Black Code," it gave the Black Republicans, Thad. Stevens and his gang, excuse for their reconstruction deviltry. It was the only pretense they wanted, because these hell hounds, actuated by hate for the Southern people, were determined upon degrading us to the lowest level possible, and they had right at hand an instrument which the most fertile imagination, if it had been given a thousand years to concoct a scheme of revenge, could not have surpassed it. It was the presence among us of our ex-slaves set free by the results of the war.

Actuated solely by the purpose to perpetuate the rule of the Republican party, and with the hellish purpose of venting their rage and hatred upon a conquered people, they passed the Reconstruction Acts, and came very near impeaching Johnson because he had been moving forward contrary to their will. And then they put in motion the forces of the army, which were already here to depose the civil government which we had established, to overthrow the fabric which we were trying to re-erect, and to put in its place the rule of the negro over the Anglo-Saxon. Canby, the Major General in charge of this department, issued his orders calling for the election of delegates to a Constitutional Convention. And in effect he said to the Southern white men: "Attend to your material interests, the army will take care of your government; your help is not wanted, nor will your interference be tolerated"—and the radical ring-streaked and striped carpet-bagger Convention of 1868 assembled. The Constitution which they gave us was submitted to the vote of the people—to the negroes, in fact. All our then leaders, without exception, took the position that this action on the part of Congress and the United States army was outside of the Constitution and must fall. They advised our Southern white men to remain at home and pay no attention to it; that it would drop of its own illegality; and the consequence was no white man participated in the election to ratify the Constitution, It was pushed through at the polls, guarded all over the State by bayonets, and we were placed under the rule of our ex-slaves. A Legislature was elected under that Constitution, and an ex-army officer, Robert K. Scott, was elected Governor. The State House was filled with the minions of Black Republicanism, officered and led by white thieves, who came here for the express purpose of getting rich at the expense of our impoverished and fallen people.

The first Legislature under the Radical and carpet-bag regime met in November, 1868. It was composed in both branches exclusively, except from two or three white Counties, of carpet-baggers and negroes. I have attempted to get the figures as to the number of negroes in the four

Legislatures which met during those eight years of misrule. I have not been able to do so; but my recollection of the statements made in the public press at the time is that there was a small majority of white men in the first, and in the second and third a large majority of negroes. I have the figures as to the fourth—1874-75—when there were fifteen Senators who were colored and sixty-one colored Representatives.

Now, sir, to give a clear idea of the results of the rule of those people during those eight years of misgovernment and robbery, I must beg your pardon while I read some figures gathered by the Investigating Committee, appointed by the General Assembly, which, in 1877, took up this question and gathered such testimony as would place on record for the benefit of future historians the facts as to the hellish work accomplished through Canby and his carpet-baggers who had been foisted upon this people by the bayonet.

THE PUBLIC CREDIT.

The amount of the public debt July, 1868, when the Radicals went into power, was $7,162,231, including bills of the Bank of the State. This was the honest debt of the State contracted prior to the war, and I do not hesitate to say here that before 1868, and up to that time, there was no State in this Union whose credit was superior to that which this State enjoyed in the money markets of London and New York.

Now, sir, prior to 1868, under the system of government which had obtained and been in effect here from 1790, during the latter years, in the forties and fifties, the average expenditure of our State government for all purposes per annum was $400,000. Let us make some allowance, if you please, for the inflation of currency just after the war, and the increased value of articles which had to be purchased, and, if you wish, let us add 50 per cent. to that as an average and reasonable estimate as to what it ought to have taken to carry on the government honestly; that would make during the eight years, if you estimate $600,000 as necessary to carry on the State government, $4,800,000. What did these carpet-bag thieves and negroes collect in cash? I will only give the aggregate items here. I hope the reporters will get them and print them for the benefit of the people of this State, as well as the people of the other States. The total amount for the eight years collected in cash by these men was $10,165,114. If you subtract $600,000 annually, it will make $4,800,000. If you please, put it five million, and you will see they collected an excess of $5,000,000 over and above the necessary expenses of the government. Did they stop there? Let me read you a brief letter which our State Treasurer, who is more familiar with this matter than I am, wrote me in answer to the inquiry I made yesterday:

"*Hon. B. R. Tillman.*

"DEAR SIR: Under the Conversion Act of 1869, the Republicans issued $5,965,000 of Conversion Bonds in *excess* of old bonds surrendered, and there were no *vouchers* whatever for this excess. These fraudulent bonds are listed on the New York Stock Exchange to the shame, injury and disgrace of the State to this day."

They are quoted in every price list you see now as non-fundable South Carolina Bonds at one cent on the dollar. When the State Treasurer and myself went to New York three years ago and endeavored to refund your

debt, we were met by Henry Clews and his agents—Clews had been Kimpton's partner in his scheme of robbery—and they dogged us all over New York city with the cry: "Here, pay this debt which bears the seal of South Carolina, or you cannot get any recognition in this money market."

"They also fraudulently issued $1,000,000 bonds in 1868, ostensibly to pay interest on the public debt. The Act authorized the issue of one million, but they issued two millions, one of which was fraudulent. Another fradulent issue was one million for the relief of the Treasury in 1869. The assets of the Bank of the State and the railroad shares held by the State in 1867, amounting to $7,069,674, *disappeared* after the first negro Legislature met in 1868, and the State had to issue $1,259,100 bonds to redeem bills of the Bank of the State in addition to the large amount of these bills received for taxes. For a statement of these frauds see pages 316-317, United States Census, 1880.

"The plunder and destruction of the public funds and property by the negro Legislature and reconstructionists that came into power under the auspices of the Federal Government is, perhaps, without parallel in the history of civilized countries. Money was raised by any and every means found available, with reckless disregard to cost and in violation of every principle of honesty and justice, not to be expended for legitimate public uses, but squandered and embezzled in a manner that defies description, and is almost incredible. This iniquity was accomplished by increased taxation upon onerous assessments of property, the issue of bonds, stocks and certificates in the name of the State by the Legislature, Governors, Treasurer and Speakers House of Representatives and financial agents, and by their sale and hypothecation at frightful reductions in value; by the payment of accounts for unnecessary public printing, for the enrichment of publishing companies; for bills for legislative service; for wines, groceries and dry goods (these last alone amounting to $543,232); by the reproduction and repayment of warrants and coupons that had already been paid, but had never been cancelled, and even by the 'raising' of checks on public account by interpolation and alteration of figures, etc.

"Respectfully,

"W. T. C. BATES, State Treasurer."

Now, this is a long story, Mr. President, and I shall not attempt to rehearse it in all of its details. I shall only attempt to jump from one mammoth and gigantic steal to another. I will not attempt to take them up chronologically. I have not had the time to arrange the data. I will read here, for the benefit of this Convention, an extract from the report of the Investigating Committee, of which my distinguished colleague, Governor Sheppard, was a member, so you may see and learn some of the infamies practiced by these legislators and those in control of our affairs.

The Committee says:

"The legislative pay certificate was the fountain head and nursery of many of the frauds, forgeries and perjuries exposed in this report. Through this source the most flagrant violations of law were committed, whereby the State was annually robbed of amounts ranging from two hundred thousand to one million of dollars, including fraudulent printing certificates, which were collected and divided between the officials, Senators, members of the House, and political hangers-on of the administration. To perpetuate the power and influence of the Republican party it was necessary to have a ready and unfailing reservoir of funds. No simpler or easier way suggested itself than the issuing of pay certificates by the Speaker of the House and the President of the Senate. Thus it became not only possible but practicable to perpetuate the numerous frauds in the public printing and supplies, to which we

have already referred. Indeed, this, like the famous hydra, threw out its hundred heads, encircling and poisoning every department of the government, and giving comfort and support to local leaders. In its trail followed the low, despicable forgeries and perjuries necessary to effect the end proposed. It is not surprising that the poor and ignorant members of the General Assembly fell into these practices, when they were conceived and brought forth by such adroit swindlers as those who led. This immense fund produced and nurtured a bond ring, a printing ring, and this legislative ring—the most popular and at the same time most unscrupulous. It is evident, from the testimony, that such a source of revenue as this was indispensable to silence any complaint, and to pacify the fears of the timid and the greed of the avaricious, whilst the other great rings were in successful progress.

"Among the many remarkable and famous leaders in this enterprise, without at all intending to disparage the claims of others, your Committee must mention the names of F. J. Moses, who issued and sold, and John J. Patterson, who became the purchaser. These two stand out in bold relief, as twin stars, shedding a baleful light upon all who approach them. The evidence which we append will fully justify the conclusion which your Committee has reached. The table submitted with this report shows, among other things, that in one session there was issued $1,168,255 in pay certificates (not including printing certificates), every dollar of which was a robbery, except about two hundred thousand dollars due the members of the Senate and House and regularly elected and appointed attaches of the General Assembly. The evidence of more than one witness shows that it was a race between the bond ring, composed of a limited number, and the General Assembly, as to who should receive the most of the money raised by taxation and the sale of bonds. It was decided that the greatest good could be accomplished by distributing the money to the greatest number, and members of the General Assembly, therefore, became the beneficiaries. An unlimited number of certificates were issued on the written or verbal order of the presiding officers, and the Chairmen of Standing or Special Committees."

LEGISLATIVE SUPPLIES.

Now, sir, I will take up the question of supplies furnished the Legislature. I beg again to read:

"The Committee respectfully invite attention to the evidence and vouchers submitted with this report, under the head of 'Supplies.' The abuses have been so great and of such a palpable nature that the most credulous person would hardly believe that such frauds could be perpetrated under the forms of legislation. History fails to cite an instance which can be compared with such a carnival of fraud and extravagance as has been held in South Carolina by and through the purchase of supplies for the members of the General Assembly.

"'Under the head of Supplies,' says Josephus Woodruff, Clerk of the Senate, 'was embraced anything that a Senator chose to order. These orders were generally given through the Clerk, and the accounts were rendered against the Clerk of the Senate. At first the orders were moderate, and included only stationery and postage stamps, but they gradually increased until they assumed gigantic proportions. In the commencement of this business of furnishing members, they gave orders on the Clerks to deduct the amounts from their pay, but very soon the orders largely exceeded their pay, and the accounts were then included in the report of the Committee on Contingent Accounts, and pay certificates thus issued for almost every description of merchandise.

"In addition to this, pay certificates were drawn and turned over to the Chairman of the Committee on Contingent Accounts for collection and distribution. As the matters became common, the Senators claimed that all their expenses should be paid by the State, or, in the language of Senator C. P. Leslie, 'the State had no right to be a State unless she could pay and take care of her statesmen.'"

C. P. Leslie, I believe, was a negro.

A DELEGATE: No, he was a white man.

SENATOR TILLMAN: He was so much the bigger rascal then.

Mr. WIGG (a colored delegate): All those you are reading about are white men.

SENATOR TILLMAN: I will find you plenty of "nigs" after a while, Wigg. [Laughter.]

The Committee further say, in their report:

"A room in the State House was fitted up wherein to serve 'wines, liquors, eatables and cigars' to State officials, Senators, members of the House and their friends, at all hours of the day and night. Woodruff's evidence is that the largest bills were rendered for refreshments, including the best liquors and cigars, which were served up in a room adjoining that of the Clerk of the Senate, and kept open at all hours, and was visited daily by State officials, Judges, Senators, members of the House, lawyers, editors, newspaper reporters and citizens generally, irrespective of party, and that they discussed matters, State and National, in the most agreeable manner over their sparkling glasses. Not satisfied with the establishment of a bar room in the Capitol, they employed a porter, who had charge of the 'refreshment' room. The porter states that for six years the State House bar room was generally opened at eight o'clock in the morning and kept open until from two to four the next morning; that during that time some one was constantly there eating, smoking or drinking, and that Sunday formed no exception to the rule."

Now, sir, to show you the rapid development of taste and the extravagance of our statesmen of both colors, here is a table of contrasts as to what they thought they ought to have in 1869-70, and what they considered necessary to their comfort in 1871-72.

1869–70.	1871–72.
In 1869-70, $5 clocks satisfied them,	but in 1872 clocks went up to $600.
Forty-cent spittoons in 1869,	as against $8 cuspadores in 1872.
Four-dollar benches	as against $200 crimson plush sofas.
Straw beds	as against sponge mattresses and oriental pillows. [Laughter].
One-dollar chairs	as against $60 crimson plush Gothic chairs.
Four-dollar pine tables	as against $80 library tables.
Twenty-five-cent hat pegs	as against $30 hat racks.
Eight-dollar desks	as against $50 desks.
Ten-dollar office desks	as against $80 to $175 office desks.
Fifty-cent coat hooks	as against $100 wardrobes.
Cheap matting	as against body brussels carpeting.
Clay pipes	as against the finest Havana cigars.
Cheap whiskey	as against champagne.
Four-dollar looking glasses	as against $600 mirrors.
Two-dollar window curtains	as against $600 brocatel curtains, lambrequins.
Five-dollar cornices	as against $80 walnut and gilt cornices.

Then follows itemized bills of legislative "Supplies," showing everything and anything that merchants anywhere ever bought and sold. Well, I reckon that is enough of that, I must move on. I am in so much filth that it is nearly up to my neck, and I do not want to get buried in it, or tire your patience.

The next subject I take up is the public printing. I will give you some statistics collected by this Committee from the official records, showing the amount of printing, the money expended for printing during those eight years of negro domination: Sessions 1868-69, $21,124; 1869-70, $45,000; 1870-71, $152,465; 1871-72, $173,000; 1872-73, $450,000. That's the highest point reached. We come down the next session, which cost $385,000, and then having got broke, having destroyed the credit of the State, having exhausted all means of bamboozling and fooling anybody to trust them, they got back to $50,000 a year for the last two years they were in power, during which period, as the gentleman from Beaufort said, Mr. Cardozo brought in his reform financial measures. The aggregate in the eight years is $1,326,589. This Committee tabulated from the archives of the State the amount expended by the State of South Carolina from 1790 to 1868 for public printing, and it aggregated only $609,000 for the seventy-eight years, showing an excess of cost of printing during the eight years of Republican administration over the seventy-eight previous years of $717,589.

I told you a moment ago that in 1872-73 the amount expended for public printing was $450,000. The Committee also prepared another table of statistics gathered from official sources by correspondence, showing the cost of printing for one year in the States of Louisiana, North Carolina, Mississippi, Florida, Alabama, Tennessee, Georgia, Texas, Missouri, Maryland, Virginia, Arkansas, Kentucky. They aggregated $278,241 for their public printing, as follows:

PUBLIC PRINTING—YEAR 1877.

Louisiana	$40,528 71
North Carolina	18,281 31
Mississippi	18,439 85
Florida	19,669 35
Alabama	17,000 00
Tennessee	11,402 60
Georgia	12,904 00
Texas	31,163 47
Missouri	27,000 00
Maryland	25,000 00
Virginia	29,812 00
Arkansas	13,040 00
Kentucky	13,999 71

Leaving a balance against our negro and carpet-bag rulers of $171,759 necessary to defray the expenses of public printing.

Now, sirs, how was this brought about? Here is the testimony of Josephus Woodruff, Clerk of the Senate, who, with A. O. Jones, Clerk of the House, and with Neagle, Comptroller General, were copartners in the firm of the Republican Printing Company. Woodruff says:

"When it became necessary to get appropriations through, I became aware of the absolute necessity of paying for the passage, and we added the estimate for these ex-

penses to the amounts of our accounts in order to save ourselves from loss. One-half or more of the total amount of appropriations for the Republican Printing Company was paid to State officials and members of the General Assembly.

"There were no specific appropriations then, and printing claims were paid out of any moneys in the treasury not otherwise appropriated. Even then it was almost impossible to obtain payment of our claims direct from the treasury. On presentation of a claim, Mr. Parker would refer us to Mr. Neagle, who was the only party he knew had money. In this way we discounted our claims, frequently selling them at twenty-five and thirty cents on the dollar in order to carry on our work, which was very heavy. As an alternative we had to take Neagle into partnership. I submit here copy of partnership agreement, dated July 1st, 1872, between Woodruff, Jones and Neagle, witnessed by LeGrand Benedict. When Cardozo took possession of the office of Treasurer I endeavored to perfect the same arrangement as to percentage that I had with Parker. He said that he had decided not to pay out any money for an object unless there was a specific appropriation. That necessitated the introduction of a bill for the payment of our claims before the Legislature. An itemized bill was accordingly made, presented, passed upon by the Committee in both houses and an appropriation of $250,000 made for the payment of the claims of the Republican Printing Company. Governor Moses was paid $20,000 to sign the bill.

In this connection it pains me to have to read, Mr. President, a document to be found in the Senate Journal, 1873, which is as follows:

"SENATE COMMITTEE ROOMS, COLUMBIA, S. C., October 30, 1873.

"The Committee on Printing, of the Senate, to whom was referred a Bill to make appropriations for the payment of the expenses of printing, have had the same under careful consideration, and beg leave to report:

"That the work ordered by Concurrent Resolution of the General Assembly at its last session is of highest importance to the State, not only because of the information that it affords the immigrant, but as furnishing a valuable record in history. The Committee examined specimens of a portion of the work now in progress, and, after a patient hearing of the Clerks of the two Houses as to the time, labor and expense involved, believe the appropriation asked for this purpose to be just and reasonable.

"In regard to the appropriation for the payment of the printing of the Supreme Court decisions, the Committee, on reference to Chapter 104, page 495, Revised Statutes, find that while the Comptroller General is authorized to draw his warrants for the publication of these decisions, no appropriations have been made for the payment of the warrants, thereby rendering further legislative action necessary to authorize the Treasurer to pay for the work.

"With reference to the last item of appropriation asked for by the Bill, the Committee find that in the reassessment of property for the fiscal year 1873–74 the Comptroller General ordered the reprinting of the blank tax assessments, tax returns and other necessary papers for carrying out the Act passed at the last session of the General Assembly providing for a reassessment of the taxable property of the State, and the Committee are perfectly satisfied of the justness of this claim.

"The Committee, in justice to the State Printers, also beg leave to state that they have carried on their work, as shown your Committee, at heavy sacrifices on account of the State Treasurer's inability to meet the former appropriations made by the General Assembly. Their contract has been faithfully observed and their work well and promptly executed. The Committee, therefore, recommend that the Bill do pass.

"(Signed) ROBERT SMALLS, Chairman.
THAD. C. ANDREWS,
H. J. MAXWELL,
C. D. HAYNE,
B. F. WHITTEMORE."

The same Woodruff testified, and he brought his bank checks, and the Committee, in searching, went to the bank and found certificates of deposit to prove, that he had issued checks to bearer for the following amounts paid to Senators, beginning with Moses, the Governor, who was a native South Carolinian, $20,000, then to Neagle, who was their partner, $40,000, Melton & Chamberlain, $10,000, F. L. Cardozo, $12,500, and coming on down through a lot of Senators, $5,000 each, we find the name of Robert Smalls, and so on, aggregating $112,550 that they paid to that wing or branch of the General Assembly. A. O. Jones testified that he paid the House $55,000; so it seems that the House sold itself disreputably cheap as compared with those that presided at the other end of the Capitol.

But listen again. They found that the $250,000, after paying out one hundred and eighty odd thousand of it, would not work, wouldn't go around, so they made up a bill of deficiencies, amounting to $231,000. And Woodruff goes on and says:

"For the payment of this amount certificates of indebtedness, which I have already alluded to, were ordered to be issued to the company. In order to effect this, as against the bitter opposition of the other ring, I again interested the Senators and paid them the following sums."

And here follows another list of $5,000, $2,000 and $1,000 down to $500 to this same blessed set of statesmen, aggregating $57,200, in addition to the $112,000 they had already received. No wonder that the printing account was $450,000 that year. I can produce the proof, for it is here, the testimony of the cashier of the bank as to the deposit of a certain check on a certain day by Robert Smalls. I have here on my desk his pardon by the Governor in 1879, but it is unnecessary to exhibit it. He disputes and denies his guilt. It is natural that he should. These people have forced me, by endeavoring to claim that it was white men and not negroes who did these wrongs, to unearth these records from our archives and bring them here and let the world know that these men who stand here and clamor for justice for their race perpetrated these damnable robberies as well as infamies when they were in power.

PRINTING STEALS AND SMALLS' CONNECTION WITH THEM.

There are two transactions between Josephus Woodruff and Robert Smalls in the matter of public printing.

One in the fall or the winter of 1870. In connection with this we quote from Woodruff's testimony, page 215, Report on Frauds:

"He swears: 'In the fall or winter of 1870 the Carolina Printing Company was organized by Messrs. J. W. Denny, R. K. Scott, N. G. Parker, D. H. Chamberlain, J. W. Morris and L. Cass Carpenter. This company owned the *Daily Union* of Columbia and the Charleston *Republican*. Senator Leslie told Woodruff that 'the friends' in the Senate thought that, as this was a matter of Senate patronage, they should have a percentage of the profits from the printing. In order to carry out the wishes of 'the friends,' Mr. Leslie proposed that pay certificates for various amounts, ranging from three to five thousand dollars, for current printing be drawn, and one-third or one-fourth of the amount realized be given to the Chairman of the

Committee on Printing for division among 'the friends,' including some fifteen or sixteen Senators. This system was carried out as long as moneys could be paid out of any sums in the treasury not otherwise appropriated, and was only checked and stopped when the law for specific appropriations and payments was enacted.'

"The certificates were usually discounted at the South Carolina Bank and Trust Company, of which bank Governor R. K. Scott, Treasurer Niles G. Parker and Attorney General Chamberlain were stockholders. The checks in the hands of the Committee are but a portion of the amounts paid during the time of the above arrangements. The money was deposited to the credit of the Printing Company, and sometimes, according to the witness, division or gratification checks were drawn against deposits in the Carolina National Bank and Central National Bank, which checks, he supposes, are still held by these banks. The testimony of Woodruff, corroborated by the checks in the hands of your Committee, shows that the following named persons received the amounts severally annexed to their names under said arrangements."

Here are mentioned the names of twenty-eight Senators and Representatives who received amounts ranging from $50 to $5,000. Among them Senator Smalls received two checks, amounting to $250.

L. N. Zealy, who was connected with the South Carolina Bank and Trust Company, (page 354, Report on Public Frauds), swears:

"I have also examined the following checks, payable to Robt. Smalls or order and R. Smalls or order, signed by J. Woodruff for Republican Printing Company, and find that they have been paid by the South Carolina Bank and Trust Company, and charged to the account of J. Woodruff for the Republican Printing Company, endorsed by Robt. Smalls, one bearing this additional endorsement: 'Pay to the order of J. C. Roath, Esq., cashier. Nathan Ritter, cashier.' Which endorsement indicates that it has passed through the bank in Charleston for collection.

"No. 19.] COLUMBIA, S. C., April 3d, 1871.

"South Carolina Bank and Trust Company of Columbia: Pay to Robt. Smalls or order $200.

J. WOODRUFF,
"For Republican Printing Company.

"[Endorsed: Pay to the order of J. C. Roath, Esq., cashier. Nathan Ritter, cashier. Robert Smalls. Also the figures 138.]

"No. 41.] COLUMBIA, S. C., July 5th, 1871.

"South Carolina Bank and Trust Company of Columbia: "Pay to R. Smalls or order fifty dollars ($50).

J. WOODRUFF,
"For Republican Printing Company.

"[Endorsed Robt. Smalls.]"

THE $5,000 FRAUD.

The second transaction between Josephus Woodruff and Robert Smalls was pertaining to the appropriation of $250,000 to the Republican Printing Company.

The Senate Committee on Printing, of which Robert Smalls was Chairman, and Thad. C. Andrews, H. J. Maxwell, C. D. Hayne and B. F. Whittemore were members, recommended that "the Bill do pass." (Page 263, Report on Frauds as quoted above).

Josephus Woodruff testified (page 265, Report on Frauds): "I can enumerate but a portion of the amounts paid on the passage of the appropriation of $250,000." He here mentioned a list of thirty Senators and others receiving sums ranging from $50 to $40,000, among whom is Senator R. Smalls, $5,000.

Josephus Woodruff continued: "The above, which foots up a total of $112,550, does not include payments made by Mr. Jones to members and officers of the House of Representatives, which I feel assured would make at least $30,000 more. Add to this amount the then existing liabilities of the company, $80,000, and it will be seen the whole amount paid out of that appropriation was $217,550, leaving a balance of $32,450 for the support of the printing establishment and work of the session of 1872–73. The work of this session was enormous. It is true that additional appropriations of $50,000 for the current printing and $50,000 for the permanent printing of that session were made, but the amounts were not paid, nor provision made for payment, until the session of 1873–74, when certificates of indebtedness, receivable for taxes, were ordered to be issued to the Printing Company in payment of their claim."

Now, here is the evidence which fastens the bribery on Smalls:

ZEALY'S TESTIMONY.

"Lawrence N. Zealy, being recalled, says (Pages 360-361, Report on Frauds): 'I have examined the following check, No. 17, payable to cash, signed by J. Woodruff, amounting to five thousand dollars:

"No. 17. COLUMBIA, S. C., January 19, 1873.

"South Carolina Bank and Trust Company of Columbia: Pay to cash or bearer five thousand dollars.

"$5,000. "J. WOODRUFF.

"[Endorsed 'A,' and the figures 584].

"And find on reference to Journal 'A,' page 437, of books South Carolina Bank and Trust Company, on Saturday, January, 1873, check for five thousand dollars, charged to J. Woodruff. The check bears date 19th January, 1873, and, the necessary amount of funds being to the credit of J. Woodruff, was charged to his account on Saturday, the 18th January, 1873, Sunday being the 19th January, 1873. I also find, in individual ledger, page 584, as designated on margin of Journal 'A,' page 437, the same amount charged to J. Woodruff, and that said check appears by following deposit slip, viz.:

"SOUTH CAROLINA BANK AND TRUST COMPANY,
"COLUMBIA, S. C., January, 18, 1873.

"Deposited by Hon. Robert Smalls.

Gold.....		
Currency.....		
Checks W.....	$ 5,000	
Total.....		

"The above having been placed to the credit of the Hon. Robert Smalls, for, upon examination of Journal B, page 437, Saturday, January 18, 1873, I find the following entry: 'Hon. Robert Smalls, credited five thousand dollars.' And by reference to the following number (875) on said page 437 of Journal B, which number (875) refers to the number of the page on which the account headed 'Hon. Robert Smalls' appears, the following entry is found: '1873. January 18. By deposit, (No. 437), $5,000. (Individual Ledger.)' Said deposit check, referred to above, bears the letter 'W' after the word 'check,' on same line, which indicates that the deposit made was a check; and it was the habit of the officers of the bank, when a check was deposited by any person, to place the first letter of the maker of the check's name upon the deposit slip. From the appearance of the letter 'W' and the entry in the books, I have no hesitation in saying that it refers to the check of J. Woodruff, charged on the same day to J. Woodruff's account and placed to the credit of the Hon. Robert Smalls."

It has been claimed that, as January 19th, 1873, was Sunday, there is a mistake. It is evident, however, that this was simply a clerical error, likely to be made in any transaction, for the books of the bank show that the money was deposited on January 18th. However, it is conclusive, from the testimony of Zealy, that Smalls did receive the check, and that the check was fraudulent.

LEGISLATIVE EXPENSES.

The next thing, after passing from this matter of printing, to which I will direct your attention, is the table prepared by the same Committee from the records covering legislative expenses. I will not attempt to tire the patience of this body by going over the figures; I will pick out items here and there, and print the whole for the information of those who shall read this *expose*. The number of clerks employed in 1870–71 was 349. We have been wrangling here to-day about keeping seven poor little fellows who came here to do clerical work. 1872, 176; 1873–74, 126, and so on through the list. They had 124 pages one session. [Laughter.] One for every member of the House. [Laughter.] They had 144 messengers one year and 212 another. The total amount expended under the head of legislative expenses during the first two years was $822,000; during the next year, $1,533,574; the next year, $908,855, and the next year, $922,536. [The table referred to is folded in here.]

GIGANTIC SWINDLES.

Now, not satisfied that the taxes were five million more than were necessary, you will recall that the State Treasurer spoke of the disappearance of seven millions of assets belonging to the State, being the assets of the Bank of the State and the stock of the State in different railroads which she had lent her credit to. Here is what the Committee says about it:

"Since the day of the coming of this man to South Carolina there has been perpetrated upon the people of the State a series of frauds, great and small, many of which have been already made the subject of comment, and all of which mark out together an era challenging comparison for its infamy with any history within the period of modern times. In each case the familiar footprints of this man are to be seen and measured, and most to be found in the forefront of the mottled army of plunderers, as 'the years of good stealing in South Carolina' have come and gone."

That was one of his *bon mots* which he got off, I suppose, in the State House bar-room, when he remarked that there were "five more years of good stealing in South Carolina." This is the only record he has left here in the memory of these people. In a general way, if you ever hear his name mentioned, some one speaks and says: "Oh, yes, he is the one who said that there were five more years of good stealing in South Carolina."

The Committee says further:

"At that time the State owned large amounts of stock in various railroad companies in the State, which had been acquired in consideration of public bounties conferred upon these corporations, and also other property of various descriptions, which for the moment was not productive of income. The most direct method of securing the controlling interest was to procure legislation to authorize the sale of the stock held by the State in the Greenville and Columbia Railroad Company, and to this end the Act was passed creating the Sinking Fund Commission, composed of Governor Scott, Attorney General Chamberlain, Comptroller Neagle, the Chairman of the Committee of Ways and Means in the House, and the Chairman of the Committee on Finance in the Senate, and authorizing them to sell all unproductive property belonging to the State. Ostensibly the purpose of this Act was to dispose of the

damaged granite and marble and other material lying around the State House grounds. The real purpose was consummated by the sale of 21,698 shares of stock in the Greenville and Columbia Railroad Company—which cost the State $20 per share, aggregating $433,960—at $2.75 per share, aggregating $59,969.50 This was followed, of course, by a sacrifice of the interest of the State in all other railroad corporations and the accumulation of a fund, all of which (in gross violation of the letter of the Act) was transferred to the Financial Agent and lost. The evidence hereto appended is conclusive that this Act was passed by bribery, the means for which were furnished by H. H. Kimpton. The stock was sold without advertisement on the day after the Bill was passed and approved, and without any action of the Commissioners either authorizing its sale or limiting the price at which it should be sold, and was paid for by Kimpton's receipt as Financial Agent in New York for the amount of the bid. No money passed, and the fund transferred to Kimpton's books was 'sunk beyond recovery in the devious processes of hypothecation and general bond swindling.

"After a majority of the stock in the Company was obtained by this arrangement and by purchases from private parties and the ring thus placed in control of its affairs, the scheme which was the objective point of the operation was brought into play in the shape of a 'Bill relating to the Greenville and Columbia Railroad Company' (prepared by Attorney General Chamberlain, and on the 17th day of February, 1871, introduced by Timothy Hurley, one of the ring) for the purpose of a further issue of bonds and giving them a value in the market. * * * In the fifth Section of this Act will be found the gist of the matter. The State then held a lien for indemnity against her endorsement upon one million and a half of guaranteed bonds of this company, so that subsequent bonds would be of little or no value and could not be sold by the ring. By this Section the lien was postponed to bonds to be issued under a second mortgage, thus enabling the ring to divide and put their bonds on the market, whilst the only security held by the State was swept away and a contingent debt of fifteen hundred thousand dollars fixed upon the State without indemnity."

Who were the partners in this swindle? "The Financial Board was composed of Governor Scott, Treasurer Parker, and Attorney General Chamberlain. Kimpton paid out of the proceeds of the sale of State bonds the money for a share and a half for Neagle, Comptroller General, who had the general supervision of the bonded debt; one share for Crews, who was Chairman of the Committee on Railroads in the House; one-quarter share for Cardozo, Secretary of State, who had the sealing of all the bonds; two and a half shares for Waterman, for Governor Scott; one-half share for Attorney General Chamberlain, and two shares for Kimpton himself, and one share for Leslie, Land Commissioner." These are the men who stole all the State's interest in the Greenville and Columbia Railroad, then had the Legislature, after they had gotten control of the railroad, to steal the balance from the widows and orphans and other stockholders of the State. They got their power to do these infamies through the members from Beaufort and other negroes who misrepresented our people in those days under bayonet rule and carpet-bag government. One of these swindlers was Chamberlain (bear it in your memories), who on his return to this State five or six years ago, as Receiver of the South Carolina Railroad, was received with open doors by society in Charleston.

MAJOR BARKER, of Charleston: "Will the gentleman allow me to interrupt him for a moment? Do I understand the gentleman to assert from his

own knowledge the statement that Chamberlain was received with open arms by the society of Charleston?"

MR. TILLMAN: "No, sir; I only judge by what I saw in the newspaper."

MAJOR BARKER: "I beg leave to state on my authority that this is not true."

MR. TILLMAN: "Thank God! Then the *News and Courier* lied on you (laughter), because I received the impression from reading in that paper during the residence of that infamous scoundrel in your city that he was received on terms of social equality everywhere he went."

MAJOR BARKER: "I hope the gentleman will accept my statement."

MR. TILLMAN: "I thank God that you have been wronged and the good people of Charleston have been wronged in the minds of the balance of the State."

DELEGATE MILLER, of Beaufort, raising his right hand: "I hold up my right hand and swear that I saw the flower of Charleston society and the lawyers hobnobbing with Chamberlain in his car. If you want to swear me, do so," still holding high his right hand.

MAJOR BARKER (addressing himself to Senator Tillman): "I would not have risen to notice your remark but for the fact that my silence would have been accepted as an admission by me of its truth, and I have no right by such silence to aid in casting any such reflection upon the society of Charleston."

SENATOR TILLMAN: "If I have done the people of Charleston a wrong I am sorry for it, but I am not responsible for the impression created, and I leave it to this Convention if it has not been the general belief throughout this State by those who read those papers that such was the fact."

THE IMPEACHMENT SWINDLE.

The next steal to which I will direct your attention briefly is what is called the "impeachment swindle;" and again John J. Patterson shines out with an immoral pre-eminence as the prince of scoundrels.

Again let the Investigating Committee speak:

"The second noteworthy achievement of John J. Patterson, following that connected with the Columbia and Greenville Railroad Company, was in quite a different field of action. The investigations made into the management of the issuing, sale and hypothecation of State bonds made it plain that the Financial Board, composed of Governor Scott, Treasurer Parker and Attorney General Chamberlain, had fraudulently and illegally issued several millions of State bonds, and it was determined to bring these parties to trial by impeachment. C. C. Bowen, then a member from Charleston, on the 18th of December, 1871, introduced a resolution to impeach R. K. Scott of high crimes and misdemeanors. This was Patterson's opportunity. With the assistance of Worthington, he gave encouragement by day to the friends of the measure, and by night worked upon the credulity of Scott, 'running with the hare and holding with the hounds.' When the scheme was ripe, and Scott became thoroughly alarmed, he engaged the services of those worthies to buy up a majority of the members of the House, and issued to them for this purpose three 'armed force' warrants, in blank as to amounts and names of persons to whom payable, leaving these important matters to be attended to by Patterson. In 1869 the Joint Resolution was passed authorizing the Governor to employ an armed force 'for the preservation of the peace,' the expenses of which were to be 'paid out of any funds in the treasury not otherwise appropriated.' It was from this convenient fund, then ready to hand, that the warrants were drawn—one filled up with the name of John Mooney for $25,545, another in the name of John Leggett for $10,600, and the third

in the name of David H. Wilson for $13,500. All of these names are fictitious, but were nevertheless endorsed on the warrants. The two first were collected by F. S. Jacobs, who was cashier of Hardy Solomon's bank, and Patterson's confidential friend. The third order was collected by Hardy Solomon, president of the bank. The financial arrangement thus concluded, Patterson and Worthington did their work faithfully, and with the money of the State bought for Scott and Parker immunity for their crimes.

"In the progress of this double-dyed villainy, it became evident that if an adjournment over to the holidays could be effected, and the members then permitted to return to their homes, where the sentiment of the people was unanimous against the thieves, it would require more money to purchase the recusant members than the State Treasury could afford.

"Another source of annoyance to the financial ring was the report of the Joint Investigating Committee, which was already printed and ready for delivery, and which fully established their guilt. Whipper had the floor, and intended to speak until the hour of adjournment had arrived, and unless he could be seated the vote could not be had before adjournment. In this emergency the services of the Speaker, F. J. Moses, Jr., were secured by the payment of a large sum of money out of the militia fund, whereupon Samuel J. Lee, a ready tool of the ring, rose to a question of privilege, upon which Moses ruled promptly, and thus removed Whipper from the floor. Meantime, Governor Scott had issued a proclamation convening the General Assembly on the day following the day fixed for adjournment, on the dignified ground that it was 'neither decent nor proper, and is injurious to the State, for the General Assembly to adjourn from the 22d of December, 1871, to the 5th of January, 1872, whilst the Governor and Treasurer are charged with high crimes and misdemeanors'. The high and chivalric tone of these two worthies, who could steal the money of the people by the millions, and yet could not brook the indignity of remaining under a threat of impeachment for a week, even for the sake of the joyous festivity of Christmas, ought to have redeemed a multitude of sins. Under such threats and persuasions and preliminary trickery further debate was cut off, and the resolution of impeachment was defeated by an overwhelming vote—63 to 27. In this controversy R. B. Elliott bore a prominent part in behalf of the persecuted officials, and received warrants on the 'armed force fund' to the amount of $10,500, which were fully paid to him out of the Treasury in January and February, 1872."

And then they go on and show how the warrants were paid. I notice here the name of W. J. Whipper, another delegate on this floor, whose pathetic appeal and eloquent portrayal of the consequences of our act should we pass the suffrage plan has been sent broadcast. Whipper's name appears in a good light in the impeachment swindle. He was among those who were endeavoring to impeach Scott. He was on the floor, and the hour for adjournment was fixed by resolution. Speaker Moses took him off the floor after he had received $10,000 for doing it. And the negroes, who had been bribed in the meantime—Patterson got enough of them, buying them up cheap, paying the big ones $500 and $300, etc., and the small ones a less amount—voted down the impeachment resolution.

I am sorry now I have to pay my respects to the gentleman from Beaufort in another aspect. I believe, judging from his speech, which he made extemporaneously, he is the ablest man of color I have ever met; but the proof lies here, overwhelming and undeniable, that he, too, on divers occasions was a bribe-taker, and that, in addition to that, while Secretary of the Sinking Fund Commission he perpetrated a scheme to get some of the State's money. He sold State property for $7,000, then he brought a bill

for services as attorney for $8,000, pocketed all he had sold the property for, and brought the State out in debt to him. [Laughter.]

I am sorry to have to bring this fact out on a member of this body, but that member stood here as a representative of the negro race and threatened us with direful consequences if we pressed forward to secure to our posterity immunity from such danger in future. I am forced, in self-defense and as a vindication of our action, to bring out the fact that while he was a representative of the people he participated in this wrong and robbery and stealage, and he must appear in the eyes of the world as simply wanting a possible return of John J. Patterson's "five years more of good stealing."

TESTIMONY AS TO W. J. WHIPPER'S VARIOUS DEFALCATIONS.

Page 188 of "Report on Public Frauds."

EXAMINATION OF JOHN B. DENNIS, CONTINUED.

"Regarding the contract for furnishing the State House, he says he never had any contract at all to do the furnishing. Says that in the summer of 1870, when Moses was Speaker of the House, Moses asked him if he would like to make the purchase of the furniture for the Hall of Representatives and the Committee rooms in the new State House, which was fast being completed. He replied he would like to do so. Speaker Moses gave him an order to furnish the necessary articles for fitting up the Representative Hall and Committee rooms.

"On the strength of this order witness contracted with M. H. Berry, of this city, to furnish the desks, chairs and everything that came in his line. Mr. Berry then proceeded to New York with him, and took him to the manufacturers, where selections were made. Mr. Berry's bill amounted to, as near as can be remembered, about $12,000. He purchased of Messrs. Stewart, Sutphen & Co., of Brooklyn, New York, the carpets, lambrequins, cornices, etc., that came within their line, and of Messrs. Nicol, Davidson & Co. chandeliers, cuspadores, etc., that came within their line. Does not remember the exact amount of their bills, but think the three accounts of Berry, Nicol & Davidson and Stewart, Sutphen & Co. aggregated about $40,000.

"Byars, from Orangeburg, moved for a committee of nine to be appointed for the purpose of investigating the furniture account, which motion was carried, and he (Byars) became chairman of it. (Page 190).

"When the call for reports from Special Committees was made, Byars rose and reported that the Committee had carefully considered the accounts for furnishing the House of Representatives and Committee rooms, and recommended that they be paid ninety-two thousand some hundred of dollars (does not recollect the exact amount), and that the account of W. E. Rose, for $190 for board of some of the workmen engaged in putting down carpets and putting up chandeliers, etc., be not paid. After this came a question as to how these certificates for payment of the ninety-two thousand dollars should be drawn, Byars being afraid if they were drawn to the merchants who furnished the goods that they would not endorse and hand over the certificates in excess of the amount due them. It was finally decided to draw them all in favor of witness, and let him take the amounts and hand over to the parties who furnished the goods, and endorse all of the others, and they could be distributed among the friends of the ninety-two thousand dollar report. To this witness consented, thinking in that way he could prevent the payment of all the certificates except those justly due to parties who had in good faith furnished the goods. This was done, and witness went to Governor Scott and told him what he had done, and if he (the Governor) would now assist in having paid the amount actually and

honestly due to the parties who furnished the goods, the amount being only about forty thousand dollars, that he (witness) would then go before any Court and swear that the excess in the hands of the members of the Legislature was a fraud, and ought not to be paid. Governor Scott said he could do nothing about it."

The witness testified that among the forty members amongst whom the certificates were divided "W. J. Whipper received a certificate for himself for three thousand dollars." (Pages 190, 191 and 192.)

Later on (page 843) John B. Dennis further testified:

"I think I have mentioned in my previous testimony that the amount of pay certificate given to Whipper was $3,000. I remember distinctly that some time afterwards he complained that the warrant was less than he was to have received."

Page 844. "F. E. Wilder, being duly sworn, deposes and says: 'I reside in Beaufort County, in this State. I was Treasurer of that County from the early part of 1871 to the latter part of 1872, and from some time in 1876 to the early part of 1877. In the spring of 1872 (I think some time in the month of March) I cashed several legislative pay certificates for W. J. Whipper, who was a member of the General Assembly from that County. I do not remember how many of them I cashed, but I think the amount was over $3,000.'

"House certificate, dated March 1st, 1872, in favor of Paul Brown, for $1,800, for amount of account for legislative expenses; House certificate, dated February 29th, 1872, in favor of Patrick Dunner, for $1,000, for amount of account for legislative expenses; and House certificate, dated March 13th, 1872, in favor of W. J. Whipper, for $36, for per diem for attending as a member of the House of Representatives—all fastened together, and the latter endorsed '1748, F. E. Wilder, $2,836, March 29th, 1872'—being shown to witness, he says: 'I think these are the certificates, or part of the certificates, I have mentioned I cashed for W. J. Whipper. I turned in these certificates to the State Treasurer as cash on account of taxes on the 29th of March, 1872. I know that is the date I turned them in because that is the date of my receipt to the State Treasurer for the amount of them. I have this day examined my receipt at the State treasury. My receipt in the State Treasurer's book is numbered 1748, corresponding with the number on the back of the certificate in favor of W. J. Whipper. I am entirely satisfied I got all these certificates from W. J. Whipper for this reason, amongst others: that the only persons whose claims I cashed that spring were Smalls, Myers, Bascomb, Nehemiah and Whipper, and none of these certificates were amongst the claims I cashed for the first four persons. Smalls' claim was a Treasurer's due bill; Myers' claims were pay certificates, all drawn in the name of Myers; Bascomb's claims were two pay certificates, one drawn in his own name, and both amounting to only $300 to $400, and Nehemiah's claim was a pay certificate drawn in his own name—according to my impression it was drawn in his own name—and was about for $200. I received no such certificates, such as those now shown to me, from anybody but Whipper, and therefore I say I am entirely satisfied that I got all of them from him.

"(Signed) F. E. WILDER.'"

THE FURNITURE STEAL.

John Williams, being duly sworn, deposes on oath as follows: "I acted as Sergeant-at-arms of the House of Representatives while F. J. Moses, Jr., and S. J. Lee, Esqs., were respectively Speakers of the House. It was part of my duty, under a resolution of the House, to purchase supplies for the House of Representatives by order of the Speaker.

"While Moses was Speaker I purchased some bedroom sets and delivered them at the building of Mr. Greenfield, at the corner over Muller's store, and furnished eight rooms. Two of them were occupied by Gen. W. J. Whipper." Page 171.

"I know that large quantities of furniture were furnished by Mr. Berry each session ; that as soon as the General Assembly adjourned the furniture disappeared, and that I was compelled, under the order of the Speaker or some Committee Chairman, to refurnish all the rooms as soon as the Legislature met. I was told that it was my business to furnish the rooms ; that after that I had nothing more to do with them or the furniture in them ; consequently it was, in my opinion, stolen by parties who had charge of it."

SINKING FUND FRAUDS.

The Joint Investigating Committee makes this report pertaining to the Sinking Fund Commission and frauds therein, (page 850, Report on Public Frauds):

"But for brazen effrontery we call attention to the transactions and testimony of W. J. Whipper, at one time a member and Secretary of this remarkable Commission. He admitted in his testimony, with shameless audacity, that he had received certain State bonds and money which he appropriated to his own use. It seems that he was employed by the Commission at one time to negotiate the sales of some public property. He not only negotiated certain sales, but he converted the proceeds unlawfully, and perhaps feloniously, to his own use, and when pressed for settlement appears with an account current, which, we venture, cannot be equalled in any business transaction. He sold property amounting to $6,517.99 and credits himself with $7,033.33 for professional services, although the evidence shows conclusively that he was never employed as attorney for the Commission."

Gen. W. J. Whipper, being sworn, says (page 851): "During the legislative terms embracing the sessions of 1870–1871 and 1871–1872 I was Chairman of the House Committee of Ways and Means and *ex-officio* a member of the Sinking Fund Commission. I was Secretary of the Commission for a portion of that time, succeeding J. L. Neagle as such. I have some bonds of the Sinking Fund Commission in my possession and one paper, the latter being a receipt of D. H. Chamberlain, then Attorney General, for a note of J. B. Dennis (receipt produced and turned over to Committee). The bonds are only constructively in my possession. They are in possession of Gen. Wm. Gurney as collateral for a loan made to me. I got the bonds in payment for a tract of land situate in Charleston sold to Henry Bischoff by me as Secretary of the Commission. I do not remember what class of bonds they were except that they were State bonds of one of the issues since reconstruction. The amount of them was $4,500 or about that amount. Gen. Gurney has had them since the summer of 1872. They were put up with a number of other collaterals to obtain a running loan. I was then doing business with Gen. Gurney, who was my factor at that time. I deem it proper to state that I was at that time Secretary and also attorney for the Commission both when I received the bonds and when I pledged them as collateral. The loans were for me individually. I have not seen Gen. Gurney about the bonds nor endeavored to procure them. * * * I claim a balance in my favor of $1,638.63, for which I hold the bonds above named. I have not with me the itemized particulars of my claims against the Commission. I claim nothing as Secretary or member. My claim is for actual expenses and as attorney's fees, and amount to $8,156.62."

W. J. WHIPPER, IN ACCOUNT WITH SINKING FUND, STATE OF SOUTH CAROLINA.

[*Furnished the Committee by him.*]

DR.

1872.		
January.	To amount received from city of Charleston, per sale of powder magazine; one third of $7,100	$2,368 00
"	To amount received from H. Bischoff for lot of land on Line and Meeting streets, Charleston, one-third of $6,875	2,291 66
"	To amount received from J. S. Riggs for lot of land on Line street, one-third of $550	183 33
March.	To amount received from A. McBee for State works and grounds, Greenville, one-third of $2,850	950 00
"	To amount received from Pleasant Barton, first installment of lease of State road, Greenville	725 00
		$ 6,517 99

CR.

1872.		
January.	By auctioneer's commission on $7,100 at 2½ per cent	$ 177 50
"	By auctioneer's commission on $6,875 at 2½ per cent	171 87
"	By auctioneer's commission on $550 at 2½ per cent	13 75
March.	By auctioneer's commission on sale of State works and State road, and papers, stamps and expenses	206 37
"	By cash paid for advertising in Charleston Courier	242 75
"	By cash paid for advertising in Daily News	247 05
"	By cash paid for advertising in Beaufort Times	32 00
"	By cash paid for advertising in Beaufort Republican	32 00
"	By amount due W. J. Whipper as attorney	7,033 33
		$ 8,106 62

RECAPITULATION.

Debtor by receipts	$6,517 99
Creditor by payments	8,156 62
	$1,638 63

Whipper, it will be seen, claims $7,033.33 as attorney's fees in a transaction involving only $6,517.99.

J. L. Neagle, the predecessor of Whipper as Secretary of the Sinking Fund Commission, swears: Page 855. "W. J. Whipper was authorized as Secretary of the Sinking Fund Commission to sell some real estate in Charleston. He was never employed as attorney for the Commission to my knowledge."

I leave it to all disinterested men to judge of Whipper's guilt or innocence.

THE BLUE RIDGE STEAL.

There is next the Blue Ridge steal. The State had a mortgage on the Blue Ridge Road, having advanced large sums of money in the effort to reach the Northwest by a railroad through the Blue Ridge Mountains, and held practically the title to the road—that is, the State and Charleston jointly. We have $4,000,000—$4,200,000, I think—of Blue Ridge scrip issued fraudulently, and there is a law suit now pending in the United States Court to force this State to pay the Blue Ridge scrip issued by that Legislature in

defiance of the law and now held as an obligation by a gentleman in New York, who claims that it was hypothecated with him as security for money, and it seems to me that we are never to be rid of the consequences of this misrule. The Penitentiary down here cost $900,000; that is the sum added together here as the amount appropriated during those years of Radical government.

I will pass on, Mr. President, merely mentioning that a large sum—about $500,000—was spent for the militia; and you all remember that during those dark days of '72, '73 and '74 that there was hardly a Saturday night of the year that a drum beat of some negro militia company was not in the earshot of each one of you, while threats were made by these negro soldiery that they intended to rise up and exterminate the white men from the face of the earth and take this country.

A PRE-EMINENT SCOUNDREL.

I have shown you by the records and the report of this Committee that of all the thieves and scoundrels and villains who fastened their fangs upon the throat of this State and sucked its life blood, John J. Patterson must be given pre-eminence.

What did they do for Patterson, these negroes? He bought enough of them to send him to the United States Senate as a representative in that august assemblage of this grand old State, to occupy the chair that has been graced by Calhoun and Hayne. Here is what the Committee says about it:

"In conclusion, the undersigned respectfully report that the election of the Hon. J. J. Patterson to the Senate of the United States on December 10, 1872, was procured by corruption and bribery.

"They would further remark that the Legislature of 1872-73 was largely composed of new members, and that they were most solemnly pledged to a correction of past abuses and to the inauguration of real reforms. Some of the members may have been unfit for the discharge of the important duties of legislation by reason of ignorance, yet came to Columbia with a desire, in an humble way, to do what was right. John J. Patterson enjoys the unenviable position of having been the first to place before them the poisoned chalice of temptation and to corrupt them with its enticing draughts. Need we wonder that they were intoxicated and fell? Then followed a wild saturnalia of public plunder, the record of which furnishes nothing which is at all pleasant to investigate or to perpetuate in history."

This report is signed by John R. Cochran, chairman, a Republican; Henry A. Meetze, of the Senate; Gerhard Muller, J. C. Sheppard, S. Dibble, of the House.

Now, I have alluded to the fact of this villainy, anarchy, misrule and robbery, and I cannot, in any words I possess, paint it. There is no man on this floor living in the country who dared during that dark period to leave his fireside without dread that when he returned he would find some harm to his family; and he dared not go forth without being armed, fearful of robbery. The sky was lit almost every night by the glare of burning dwellings and gin houses. Our Courts of justice were filled with bribe-takers, and the Judges themselves were not free from bribery. How did it come about, and who must bear the blame? We are told the negroes didn't do it. "Oh, we didn't do it," they say. [Addressing the negro delegates]. You blindly followed and obeyed the orders of the Freedmen's Bureau and the Union League and ignored the appeals of your former masters,

who treated you with kindness and furnished you with your daily bread. I myself can testify that appeal after appeal was made by me, and by almost every white man in this State, with the negroes with whom he came in contact on his plantation: "Stop! come back! help us free ourselves from this burden!" But every one of you, almost up to 1876, blindly followed wherever these white thieves ordered. Was it negro government? The negroes furnished the ballots, and that is what we are dealing with. The negroes put the little pieces of paper in the box that gave the commission to these white scoundrels who were their leaders and the men who debauched them; and this must be our justification, our vindication and our excuse to the world that we are met in Convention openly, boldly, without any pretense of secrecy, to announce that it is our purpose, as far as we may, without coming in conflict with the United States Constitution, to put such safeguards around this ballot in future, to so restrict the suffrage and circumscribe it, that this infamy can never come about again.

The negroes were the tools of designing white men, I acknowledge—participators and willing tools. The poor, ignorant cotton field hand, who never reaped any advantage, nor saw anything except a pistol, blindly followed like sheep wherever their black and white leaders told them to go, voted unanimously every time for the Republican ticket during that dark period, and these results were achieved solely and wholly by reason of the ballot being in the hands of such cattle. Is the danger gone? No. How did we recover our liberty? By fraud and violence. We tried to overcome the thirty thousand majority by honest methods, which was a mathematical impossibility. After we had borne these indignities for eight years life became worthless under such conditions. Under the leadership and inspiration of Mart Gary—because he planned and brought about the Straightout movement of '76—in spite of the low country fighting on this floor against those who opposed putting Chamberlain forward as a compromise candidate—under his leadership and through his magnificent courage (for Edgefield alone gave us the excuse to claim the Governorship), we won the fight. We had a legal right by her majority, but then Grant's bayonets were here to prop Chamberlain in the Governor's chair. We were held in suspense from the meeting of the General Assembly in November until Hayes's title had been settled by the Electoral Commission in March. The whole State was like a powder magazine. The people had sworn to have their liberties or to die.

How did we bring it about? Every white man sunk his personal feelings and ambitions. The white people of the State, illustrating our glorious motto, "Ready with their lives and fortunes," came together as one. By fraud and violence, if you please, we threw it off. In 1878 we had to resort to more fraud and violence, and so again in 1880. Then the Registration Law and eight-box system was evolved from the superior intelligence of the white man to check and control this surging, muddy stream of ignorance and to tell it to back, and since then we have carried our elections without resort to any illegal methods, simply because the whites were united. If we were to remain united it would still be desirable that we should guard against the possibility of this flood, which is now dammed up, breaking loose; or, like the viper that is asleep, only to be warmed into life again and sting us whenever some more white rascals, native or foreign, come here

and mobilize the ignorant blacks. Therefore, the only thing we can do as patriots and as statesmen is to take from them every ballot that we can under the laws of our national government.

I read a moment ago from the report of the Committee that good government can only rest on intelligence and good morals. I will go further and say that good government and the very life of republics rest on virtue, patriotism and intelligence. The chief amongst the three is intelligence. It has been said, and it must be apparent to any one who thinks, that even if we restrict the suffrage as we propose, that with 40,000 Conservatives and 40,000 Reformers, divided and striving for mastery, and 15,000 illiterate white men disfranchised, that the negroes are still here in sufficient numbers to control us. Are we so besotted, so forgetful and oblivious of the record which I have just read to you? Have our memories grown so callous that we as a white race—kinsmen, brothers, common inheritors of the glorious past and of the freedom transmitted to us by our forefathers—have we got to the point where we cannot unite as brothers, throwing aside the petty bickerings and animosities that have been engendered in the last five years, and, without regard to personal ambition or partisan advantage to anybody, can we not provide so that we will not have to appeal to these people as arbiters of our fate? Can we not rise to the necessities of the occasion and put into this Constitution such an Article in reference to suffrage as will guarantee, as far as the law can guarantee, to future generations that they shall have the blessings of Anglo-Saxon civilization and liberty in this State? How pitiable, how puerile, how ineffably, unutterably contemptible appear the personal ambitions and petty spites of men alongside of this grand and glorious purpose!

I am sorry that I feel constrained briefly to touch upon this matter now from a different standpoint. I shall be as brief as the subject will permit. I feel almost willing to stop now and leave unuttered any word in answer to what has been said this morning, and to leave it to the patriotism and wisdom of this body to move forward and not hesitate. We were told something about perfect equality of white men; that the poor tenant who has nothing but his wife and children, who labors for his daily bread from year's end to year's end, gathering no property, is equal to the highest man in this State. I grant it. It has been my cardinal doctrine as a public man that all white men, as far as the enjoyment of the privileges of government and the emoluments of office are concerned, should be equal in this State, and that the majority alone should govern. But that doctrine cannot be brought in here as a reason why we must stop and pause and falter in our purpose to secure to our posterity good government, unless you carry it further; and if you are going to bring in the universal brotherhood of man as an argument here, then are not the blacks as much entitled to that consideration as anybody? The logical conclusion is inevitable.

On this question of suffrage, it is said that some men's right to vote will be jeopardized. If there was any way under high Heaven by which we could do more than we have done, in God's name I would glory and honor the man, and bow down and submit to his leadership, if he would show us. What do they offer us? A continuation of the existing conditions and perpetuation of fraud, or fraudulent methods; and the sword of Damocles suspended over our heads by a single hair swings, and swings, and swings;

and all that is necessary to bring about chaos is for a sufficient number of white men, actuated by hate, or ambition, or from any unpatriotic motive, to climb up and cut it loose, mobilize and register the negroes, lead them and give them a free vote and fair count under manhood suffrage. Some men have seduced themselves into believing that the best white men, the so-called better class, of which we have heard so much within the last few years, could form an alliance with this black substratum, and that our liberties would not be endangered. What folly! The point cannot be controverted that whenever enough white men go with that class and bring them forward, the so-called best white men may get in office once, twice or thrice by means of the negro majority led by the white minority, but the struggle for the control of that vote will just as inevitably debauch, demoralize and lower, and finally corrupt and make rotten the public morals as that the sun shines in the heavens. The men who sink nearest to their level in social equality, as Moses, Chamberlain and those scoundrels did, can always command their support. And you will always be confronted with the possibility, the probability, and even the certainty, of it coming to pass at some time, until you shall have reduced their voting strength so that there will never be enough of them to do more than to put either one white faction or the other in control of the government. And even that, which we cannot help, stands here as fixed as the law of the Medes and Persians by the Fourteenth and Fifteenth Amendments—and yet you hesitate to make the evil as small as possible and minimize the danger!

Allusion has been made to the fact that several prominent gentlemen met in this city to see if there could be any terms of amity, any treaty of peace, between the warring factions in this State, and the words "ingrate" and "traitor" have been used in connection with my name as a participant.

What was the condition? The minority faction had opposed almost to a man the calling of this Constitutional Convention. Demagogues of a certain stripe had used the newspapers of the State to threaten and terrify the poor whites with the possible and probable loss of their ballots if the Constitutional Convention was called. Spartanburg, which had never suffered from negro domination, and which can never suffer in its local affairs from negro domination, voted overwhelmingly against the Constitutional Convention. When the fight seemed almost lost, and those of us who had struggled for ten years or more, in season and out of season, whenever an opportunity offered, to urge upon the people the wisdom and necessity for calling a Convention, and taking care of our posterity by limiting the suffrage, when we felt that the fight was desperate, in October a meeting was called at Ridgeway. The Governor and myself and the Chairman of the Democratic Executive Committee, who has let his tongue run so loosely, were invited, and promised to go there and discuss the question. When the day came the Governor was there and spoke as true as steel. I was there and talked from the shoulder as I always talk. Where was the saviour of the Democratic party: the man who claims the credit and responsibility of calling the Convention?

MR. IRBY: Will the gentleman allow me to answer?

MR. TILLMAN: Certainly.

MR. IRBY: I don't remember—it has been some time ago. I did expect to speak there. I accepted the invitation of Mr. Johnson. It was my intention to go, and something occurred at home, either sickness or something like that, that kept me from going. I would like to ask him one question. Did not I come here for three weeks and stay and fight as hard as any man possibly could to carry the election for this Convention?

MR. TILLMAN: You did; but you afterwards charged that when the battle was on Evans ran out of the State, whereas Evans was at his post, and you at home sick, so you say. (Sarcastically.)

MR. IRBY: I did not say I was sick. It comes with ill grace from him, after all that has happened in the past, that he should charge me for one moment with shirking a responsibility, or running from anything. I did say that when the fight was fiercest Governor Evans fled the State and could not be found by telegram or letter, and I asserted it for the reason that I asked by telegram, or probably in person of the brother of the Governor, why it was that he, the Governor, did not come and help me in his own election, and in the desperate struggle in calling the Constitutional Convention, and he could not tell me where the candidate for Governor was. On the night of the election at 2 o'clock, after the fight had been won, before the smoke of battle had cleared away, our young Governor came into my room, and I reproached him and asked him why it was that he had left me in such an extremity and had not come to my assistance? He said, "Well, I have been off to see my girl," (laughter), "and I was afraid you would commit me to some pledge that I could not carry out." Now, sir, I say that when I was here facing all the dangers of defeat, and the odium of defeat, that he had little to do, and he might have spared the time to come here and help carry his own election as well as carry the Constitutional Convention.

MR. TILLMAN: With that I have nothing to do. I only mention this incidentally as I myself have been accused of certain things, and the gentleman should remember that those who live in glass houses should not throw stones. And inasmuch as he has seen proper to twit, to say that it comes with ill grace from me to even insinuate such things against him, I take this occasion to say to this Convention and to the State of South Carolina that the apparent quarrel between the gentleman and myself is all of his own making, and that I am in no wise responsible for it.

When the Barnwell-Hemphill-Evans-Tillman conference was held I went into it reluctantly because it brought me in contact with a man, the editor of the *News and Courier*, who has been most implacable and infamous in his abuse of me in his newspaper; with Barnwell, the recalcitrant leader, a hot Haskellite, who said on this floor: "Ben Tillman shall never be Governor of South Carolina." But as I saw at that time the tension between the factions was such that every prospect was that we would have the Conservatives mobilizing the negroes in an effort to control this Convention, to keep us, as they claimed, from doing wrong to their property rights and liberties, I sank my personal feelings and went to that conference. We had it in the Governor's office. It began at 8 o'clock. We talked and wrangled until 2 o'clock, and I leave it to the members of that conference on this floor if, after having talked over the question as to how we could

come together and come to an agreement, I did not say: "Gentlemen, unless you rise above petty, personal, contemptible purposes you cannot do anything, and we had just as well retire."

There are men on this floor who were present, and they will bear me out. If not, let them rise now and deny it. I dictated the terms on which we agreed, and the basic principle was that no white man should be disfranchised except for crime, because that was the guiding star which actuated my entire purpose and action. I would suffer the loss of both of my arms before I would do anything knowingly to jeopardize those rights and not redeem my pledge to those men. Suppose we had not had any conference. No one knows what might have happened. The result, unforeseen by anybody, certainly not by me, was the immediate split of the Conservative faction into two warring armies, one side saying, "That's right, come and let's take it," and the other side saying, "No, trust Ben Tillman, Irby and Evans not one bit! If they get any majority in that Convention they had just as well have it all." That was the war cry of those people as against the *News and Courier*.

God works in a mysterious way His wonders to perform, and He makes instruments of men without their knowledge. The danger, if the danger existed, that the Conservatives would unite and go to the negro passed. I told those gentlemen that night (and they will bear me out in it) that I didn't believe they could get anybody to go that would amount to anything; that the white instinct was too patriotic; that they would talk and blow, but that they could not get enough white men to accomplish anything to follow these radical editors in their efforts in that direction. I further told them that while I would advocate an equal division upon the acceptance of the conditions proposed by me, that I knew or believed that the people would not give it. I concealed nothing and I deceived nobody. I said: "The mistake you have made, gentlemen, is in believing that I am all-powerful and can lead the people anywhere and make them do anything I please. You have misconceived the purpose and mainspring of the Reform movement in crediting me with having omnipotent power, when the fact is my power lies in this, that I simply lead the people the way they want to go, and I am their leader because of that." I promised them nothing except my own personal support, and I was ready to give it. Did the Conservatives accept it? No. The *News and Courier* alone of all the daily papers of that side said it was the wise and proper thing to do and urged its acceptance. The balance of the press and the majority of those not immediately concerned repudiated it. Both sides repudiated it. The Conservatives in sullen discontent, the Reformers because they saw the other side, while Goff was manipulating the registration law at the instigation of the conspirators, threatening: "Ah, yes; we have got you now; let the registration law be overthrown, turn all these negroes loose, and we will put you under our heels." That is what increased the feeling of discontent among the Reformers, together with the fact that it was undemocratic to give equal recognition to the minority.

The people sent us here, and they elected numbers of you without regard to your factional differences in the past; they sent you here as patriots; they have sent you here although you have opposed them in politics, and I

thank God for it, because it has been demonstrated on this floor that we are all actuated by high and noble purposes, except where our personal ambitions are concerned, and we vote here as free men and equals, at no man's dictation. They say I have been shorn of my strength and my influence, that I have been measured here by my logic and my capacity to argue, that I have been turned down time and time again. I thank God that if I have, it has proved to others here that I am no more than any one else. I am simply trying to do my duty, and will always try to do it as I see it. I am not infallible, and do not claim to be. While I have never claimed that wisdom will die with me, I do say that it is my honest purpose and patriotic desire to advance the welfare and interest of this Commonwealth without regard to any one who has opposed me in the past.

It has been charged, directly or indirectly, that the agreement entered into is still to be carried out, and the evidence is brought forward in the matter of the appointments of the Committees and their chairmen.

As a matter of fact, which seems to be forgotten, the members of the Charleston delegation are representatives of the recalcitrant, irreconcilable faction there. Did they not turn Hemphill and Barnwell down in their convention and send Straightouts square from the shoulder like men? Where, then, is the connection, the bond of union between those of us on the Reform side who participated in that conference and the representatives from Charleston? Barnwell could no more control his people for peace, unity and harmony than I (Tillman). Mitchell, Barker, Farrow, Bryan and the rest of them came here as the representatives of public opinion in Charleston, and they do represent it. They have excited no bitterness here. If they have any feeling of resentment they have hid it like patriots. The gentleman from that city who has been associated with me on the Committee on Suffrage has shown a high patriotic purpose, a complete willingness to co-operate in saving the right of suffrage for the poor and illiterate white man as far as he could. His consummate legal ability has been of incalculable benefit to the Committee. He came into the Committee possibly with prejudice against me. I acknowledge I went in it with prejudice against him—because he has been fighting the Dispensary. [Laughter.] We have come to know each other better, and I feel warranted in saying that we will part with the highest mutual respect, if not friendship. And so I trust it will be with all of us. We will return to our homes with a higher purpose and a broader view, and if we must differ we will differ like decent white men, and go into the forum of reason and try to convince our constituents as to which man is right, and when the voters have spoken at the Democratic primary, as white men, we will present a united front to the remnant of the black cohorts whom we have come here to reduce and paralyze.

We have been told had we dared hint to the people that it was our purpose to incorporate an educational qualification in this Constitution we would not have been sent here, that we would have been run off the stump. I spoke at Edgefield, Barnwell and elsewhere. I concealed nothing. How do you propose to get around the Chinese wall, the impassable bulwark which the Fifteenth Amendment throws around the negroes, except by an educational or property qualification?

The desire has been on the part of the gentleman from Laurens to perpetuate the understanding clause, keep up the present system, the eight-box law, the registration law and all. You cannot do it, gentlemen. The people do not want it any longer; they are tired and sick of it unto death. With existing conditions there is nothing left, no man's ingenuity can contrive or conceive of anything to do except to put an educational or property qualification, or both. The property qualification straight would disfranchise thirty thousand people, white men, who own nothing in their own names, and it is contrary to all my ideas of principle, fairness and right, because some of these very men are the most intelligent of our citizens. I said last night that the chalice was poisoned. Some have said there is fraud in this understanding clause. Some poisons in small doses are very salutary and valuable medicines. If you put it in here that a man must understand, and you vest the right to judge whether he understands in an officer, it is a constitutional act. That officer is responsible to his conscience and his God, he is responsible to nobody else. There is no particle of fraud or illegality in it. It is just simply showing partiality, perhaps, [laughter,] or discriminating. Ah, you grin, [turning to Mr. Patton,] you of all men to get up here and wrap your Pharisaical robes around you, as you did last night, and pretend that you——

Mr. Patton: I disclaim any such purpose, and you must not charge it.

Senator Tillman: I got the impression from your speech. I charge this, that you said that the purpose of the Committee was either to have the law administered fairly or unfairly, whether by fraud or not.

Mr. Patton: I did so charge, one or the other.

Senator Tillman: Why should you last Summer have telegraphed the Governor in hot haste to remove the Republican managers or you might not get elected, and now you claim to be purer and more patriotic than other men?

Mr. Patton: I have never claimed to be purer and more patriotic than other men. If there is one thing my soul abhors, it is hypocrisy, and no man has dared charge that to me before. Whatever I may be I am not a Pharisee or a hypocrite. I came into this Convention to help pull us out of that mud and filth that you have described. I have never held myself up to be better than any one else, and there is nothing in my conduct and speech, if rightly judged, which will give ground for any such presumption, and you know it.

Senator Tillman: If I knew it I would not say so. The impression made on me, and I dare say on every member on this floor, was that you have a scheme of your own which you thought was better and which you advocated, and you had a right to advocate it, but you did not have the right to set yourself up as the judge of the motives and purposes of the Committee, who are as pure as yourself, in their efforts to solve this problem. That is the quarrel I have with you; it is not personal in any sense. As a delegate on this floor, and as chairman of the Committee, I take issue with you in the manner in which you have treated this question. I have heard of death bed repentances, but it seems to me that if I had kept the wires hot to keep the Republicans from having representation on the Board of Election Managers for fear of the possibility of being defeated as a delegate here, I would not hug my Pharisaical robes around me and undertake to impute dishonest motives to other men because they disagreed with me.

Now, to return to the gentleman from Laurens. If you look down the vista or the pathway which he asks you to take you see no signs of light or rays of hope. You see nothing there but the dire alternative that some time in the near future we shall have white men struggling to get possession of the negro vote, and a continuation of the present iniquitous system. I desire to say this for the benefit of his constituents more than his. Let this Convention reject our scheme, or modify it or not, it is written as we want it passed; we are responsible for it, all except Mr. Henry, who has disclaimed any paternity of the educational and property qualification, and I am ready to rise or fall by it, and to meet the gentleman in Laurens, or Spartanburg, or any other County in this State, and show to the people that I have not betrayed them, that I have not broken any pledges, that I am not an ingrate, that I am not a traitor, that I have acted as their best friend, and have stood squarely by all the pledges I ever made, and have endeavored to rise to the height of a statesman. I will go to Spartanburg where the two thousand majority on the other side is. I am not afraid to meet him anywhere, because right is right and truth is truth, and with these two bucklers I am ready to face any man that God ever made where my public acts or my private life are brought in question.

The bugaboo of possible injunction against the understanding clause is brought in here to throw discord among us, and to terrify timid men. Well, now, any lawyer, the merest tyro in the profession, who knows anything about it, knows that no one can go into Court and get an injunction unless he alleges personal damage or wrong, and the man would go there under this law simply to get his own rights, and not to keep other people from being registered, and the Court, if the question was brought up, might ask what harm had come to him by refusal to register under the understanding clause, and the Court might say it was unconstitutional, but it would go from one Court to another, and by the time it was decided, as Mr. Bryan has said, we would be on firm ground with the educational qualification pure and simple, and our suffrage plan would be based on a rock.

Mr. Ellerbe: What would become of these parties' rights under that Section?

Senator Tillman: I don't see how you can find——

Senator Irby: Wouldn't that invalidate the whole list on the theory that one rotten apple in the barrel will destroy the whole?

Senator Tillman: Mr. Bryan will have to answer that.

A few words more, Mr. President, and I will conclude. I believe this is about the longest speech I ever made in my life. I shall briefly discuss the resolution of the gentleman from Marlboro as to striking out the money clause—the $300 clause. Now, he said that to allow one illiterate who had $300 to register and vote, and to prohibit another illiterate who didn't have $300, was an unjust discrimination. Mr. President, the millennium has not yet come, and I am afraid it will not come in this day and generation, if ever. Perfect equality before the law in taxation or anything else is an impossibility. That theory is in our law and in our Constitution, but it has never been put in practice in any Court in any County in this State. I would like to ask him, as he pleads so strenuously against the injustice of having one illiterate with property to register, and another not, why did he forget to mention the injustice of allowing a man who is educated to

register, and the man who is not to register? You did not say anything about it; you took mighty good pains to leave it untouched.

MR. ROGERS: I will answer the question. I recognize as fair and right the principle that an intelligent ballot is the safeguard of any community, but I can see no reason, and you can show no reason, why two illiterate men, both standing on equality in every other respect, one should be given this privilege over the other simply because of the fact that he has a few dollars.

SENATOR TILLMAN: The very fact that he has a few dollars is a sufficient reason of itself to show that he is probably a better citizen, is more industrious, thrifty, has accumulated something on which to pay taxes; and taxes without representation is repugnant to American liberty. By means of the $300 clause you simply reach out and take in some more white men and a few more colored men. I cannot see for the life of me why we should not go forward and not pander and cringe before people who do not understand that this does not restrict one single ballot—only gives it to a few more. That's the whole subject in a nut-shell. If there is inequality in giving a man of property the ballot and prohibiting another who has none from voting, there is inequality in giving it to a man who can read and write fairly but has not got as much intelligence as his neighbor who cannot. There are men in my neighborhood who came out of the war penniless who cannot read and write because they never had the opportunity of going to school, yet they are good citizens and have accumulated property, are well to do, sending their children to school; but if they should not be able to read and write, under your restrictive purpose, if this Convention should yield to you, they and similar men will be barred in the future from voting. So far as I am concerned and so far as the Committee is concerned, we knew this thing would create a howl among a certain class; but what is the use to pander to the notions of these people? We are told it would be said: "Here's John Smith" (for instance), "a negro with $300, who can vote, and you cannot because you have not got $300, and Ben Tillman, who was on the Committee on Suffrage, did it for you." I am ready to take the consequences. The Convention can vote it down, if they please, but I will never deny anywhere my connection with it, and I am ready to go to the people on it.

MR. MCGOWAN: As the distinguished Senator knows, I was a member of that celebrated conference to which he refers. As he has seen fit to state what was done there, I desire to set myself straight upon the record. The Senator says that that agreement that we entered into was repudiated by both sides.

SENATOR TILLMAN: In effect, yes.

MR. MCGOWAN: So far as I am concerned, I rise to distinctly state I did not.

SENATOR TILLMAN: I do not say that the parties immediately connected with it did, but the factions throughout the State were those who repudiated it.

MR. MCGOWAN: Did not we state that night that we knew many of our people and most of our papers would be against us?

SENATOR TILLMAN: I do not remember it.

MR. MCGOWAN: My recollection is distinct on that point. It was argued that we knew we would have the people of the State down upon us, and we said we knew that most of the Conservative people would be against us, but for the sake of peace, and to try to get the white people of the State together, we were willing to stand that and try to bring it about. As I remember, every Conservative member of the Committee worked faithfully to bring it about, and not a single Conservative member of the Committee repudiated it until first repudiated by the gentleman from Edgefield.

SENATOR TILLMAN: I repudiated it because I saw from the temper of the people who were backing Goff that we could not depend on them and trust the Conservatives with equal representation.

MR. MCGOWAN: I was one of the Committee that thought the Conservatives would not endorse what we did, and that most of the Conservative papers of this State would not endorse it. Therefore I say when you did repudiate it you had no right to do it, because you knew that night what would happen. So far as I am concerned, I deny I ever repudiated it. I signed that agreement honestly, hoping to bring about good will among the white people of this State. I worked faithfully for it until first repudiated by yourself.

SENATOR TILLMAN: I worked as faithfully as you or any other man. I put interviews in the papers and offered to go on the stump and speak.

MR. MCGOWAN: Did we not that night discuss for one hour the clause which you were so determined should go in, that no white man should be disfranchised except for crime? Did not we argue that ought not to go in, for it could not be done constitutionally; that we could not do it?

SRNATOR TILLMAN: Yes.

MR. MCGOWAN: Finally it was understood that while you insisted it should go in, it bound us to nothing that was unconstitutional.

SENATOR TILLMAN: I do not remember about the constitutionality being discussed. I told you I would not sign anything, would agree to nothing, unless you agreed to that, and you did agree to it.

MR. MCGOWAN: We discussed it an hour. We told you it was foolishness, for we could not do it constitutionally; that we could not bind ourselves, and the understanding was it would bind us in nothing which would be unconstitutional.

SENATOR TILLMAN: I did not understand there was to be a mental reservation in it. What is expressed is what I thought you bound yourselves to and what I bound myself to.

MR. MCGOWAN: We discussed the question of constitutionality, and we said we would bind ourselves to nothing that was unconstitutional. We told you it was foolishness to try.

Mr. SMALLS addressed the Convention on the same subject, which, upon motion of Mr. B. R. TILLMAN, was ordered printed in the Journal.

Mr. SMALLS spoke as follows:

MR. PRESIDENT: I had thought that I would not find it necessary to have a word to say in regard to this contest for the right of freemen, for the question had been ably presented by others; but to my surprise I find the distinguished gentlemen from Edgefield, Mr. B. Tillman and Mr. J. C. Sheppard, going away from the all-important question, the right to let free Americans cast an honest ballot for honest men.

By those gentlemen I am arraigned here and placed on trial for an act said to have been committed in 1873 in South Carolina. It is true, sir, that I was arrested in the State in 1877, charged by the Democrats of the State with receiving a bribe in 1873. This was done after the Democratic party had taken charge of State affairs; but the evidence upon which this trumped-up charge was brought was that of one Josephus Woodruff, who was Clerk of the Senate and also Public Printer of the State, and who had acknowledged that he had robbed the State out of over $250,000, and had run away and was brought back from Pennsylvania by a writ issued on the Governor of that State.

This man Woodruff testified that of twenty checks which he had given to "cash" or to "bearer" one was given to Robert Smalls. Why so?

Simply because they found that I had deposited in the Banking and Trust Company of the State $5,000 on the 18th day of January, 1873. But when they went to examine the record they found that the check in question was drawn on the 19th day of said month. On examining the calendar they found that the 19th day of January was Sunday, and that if the check was given to me on that day I could not have deposited until the 20th.

The gentleman, Mr. Sheppard, a few moments ago said that I was convicted, the testimony being corroborated by the Cashier of the bank. That gentleman was a member of the Committee: but, sir, he could not have read the record in this case. The Cashier of that bank was a man named Jacobs, who had been charged, as the record shows, under four indictments for perjury, and had fled the State, and a man by the name of Zealy brought in a little slip of paper, written in pencil, and said it was the handwriting of Mr. Jacobs, the Cashier of the bank. Mr. Woodruff himself testified that he had made arrangements to borrow money, or had been trying to do so, and asked me to loan him $5,000, and that when I brought the money to him he had already made the arrangements to get $20,000 from Dr. Neagle. I am as innocent of that charge as you are.

But, sir, that matter is brought in here. The State of South Carolina was in the hands of the Democratic party. It has been said that Judge Townsend was a Republican. This is the first I have ever known of it. He was not elected as a Republican, but as a Democrat, from Marlboro County, and to-day stands here as a Democrat. No one ever heard of Judge Townsend in the Republican ranks anywhere or at any time until now it seems convenient to serve a Democratic purpose.

The gentleman said that I was convicted by a jury of colored men or Republicans. Mr. Speaker, there were two colored men that might have been Republicans on that jury; but every man on that jury had been a Democrat, and had worked and voted for Wade Hampton. There is Joe Taylor. Where is he to-day? Somewhere in Canada. He is a good Democrat, but he stole twenty bales of cotton the other day and has now gone

somewhere else. I stand here to-day, and am just as innocent of the charge as either of the gentlemen from Edgefield, who have gone out of the way to make this personal onslaught.

Now, let me say that after that trial and after I was arrested I appealed to the Supreme Court of the State. The Supreme Court held that opinion off over one year, as the record will show. After I had run for Congress a second time the Supreme Court rendered a decision sustaining the action of the lower Court. After that was done, under Section 641 of the Revised Statutes, I took an appeal to the Supreme Court of the United States. I went to Washington and appeared before that Court. The record shows it. I went before Chief Justice Waite, and he granted the appeal and docketed the case.

No sooner was this done, and no sooner had I returned to South Carolina, than, without a single word from me, or friend of mine, directly or indirectly, Governor Simpson, of South Carolina, issued and sent to me in Beaufort a pardon which I have here in this paper.

Mr. President, my acts in defense of my name and honor are such as are entitled to the respect of every freeman. I did all that man could do; but without my knowledge, against my will, the Attorney General of South Carolina, Mr. Youmans, went before the United States Supreme Court and asked that the case be stricken from the docket, on the ground that it had been adjudicated in the State. I knew nothing of this at all until I happened to see a sketch of it in the News and Courier, published in Charleston, saying that Mr. Youmans was in Washington and had made such a motion.

But while I was in Columbia, before the trial came off, Mr. Cochrane, the Chairman of that great investigating committee appointed by the Legislature of South Carolina, said to me, "Smalls, you had better resign." "Resign what?" "Resign your seat in Congress." "What," said I, "the seat the people elected me to?" "Yes; you had better resign, because if you don't they are going to convict you." Said I: "I don't believe that, sir. I am innocent and they cannot do it." "Well," said he, "bear in mind that these men have got the Court, they have got the jury, and an indictment is a conviction." I did not believe it, but I tell you those gentlemen taught me it was so. And it was so. I was sought by another gentleman, a gentleman from Aiken County, Mr. Drayton, the editor of a paper there. He came to me and said: "Smalls, we don't want to harm you. Get out of the way. We know you were kind to our people just after the surrender, and Governor Hampton says he doesn't want to injure you. We want this government, and we must have it. If you will vacate your office we will pay you $10,000 for your two years' salary." Said I, "Mr. Drayton, where did you get this money to give me?" Said he, "Smalls, don't you ask that. We have got the money. The people of South Carolina have paid in 10 per cent. on their taxes to perpetuate the Hampton government and we intend to have it." Said I: "Sir, if you want me to resign my position you must call meetings all over the Congressional District and get those people who elected me to pass resolutions requiring me to resign, and then you can have the office without a penny. Otherwise I would suffer myself to go into the Penitentiary and rot before I would resign an office that I was elected to on a trumped-up charge against me for the purpose of making me resign."

Make me resign when I am innocent; make me resign when the only testimony against me is that of a self-confessed thief. And, Mr. President, this self-confessed thief at my trial admitted, under oath, that he had been granted immunity from trial because he had promised the prosecution to testify against me. And, Mr. President, this man Woodruff has never been tried.

Why should this matter be dragged into this debate? Why, sir, it is to inflame the passions of delegates against Republicans and force them to vote for this most infamous Suffrage Bill, which seeks to take away the right to vote from two-thirds of the qualified voters of the State.

It has been claimed that there has been a compromise in my case, but this is not true. I refused all offers of compromise, but there were compromises made but I was not included; I received no advantage therefrom. I have here a copy of a compromise entered into by the State of South Carolina and the United States District Attorney for South Carolina, which I send to the desk and ask that it be read, which speaks for itself:

EXECUTIVE DEPARTMENT,
OFFICE OF THE ATTORNEY-GENERAL,
COLUMBIA, S. C., April 22, 1879.

Hon. L. C. Northrop, U. S. District Attorney
for the District of South Carolina,
Charleston, S. C.

DEAR SIR: After seeing in writing the views of the Governor and the State delegations in both branches of Congress, and after consultation with the State officers and others, I have deemed it proper, in the interests of peace and quiet in the State, to address you this letter in regard to the action thought to be the most conducive to that end, and most practicable under the circumstances, as to certain prosecutions which have been, or may be, brought by the United States and State governments respectively.

That action is that the United States government shall continue the cases against all persons charged with violations of law by the commission of any acts whatever in connection with, or growing out of, past canvasses or elections, and at the next term, or as soon thereafter as practicable, *nol pros.* them, and that no more prosecutions shall be had.

That upon this continuance by the United States, the State shall continue the pending cases against D. H. Chamberlain and others, brought under the resolution of the General Assembly, and all cases against persons charged with violations of law by the commission of any acts whatever in connection with, or growing out of, past canvasses or elections, and all cases of criminal malfeasance on the part of any public officers of the State, or of bribery or corruption of the public officers of the State, prior to January 1, 1877, and *nol pros.* the same, upon the United States *nol prossing* the prosecutions aforesaid brought by the United States government, and that no more such prosecutions shall be had by the State.

If you will do what is necessary to carry this out, as United States Attorney, I will do what is necessary to carry it out as Attorney-General.

Very respectfully,

(Signed) LeRoy F. Youmans,
Attorney-General South Carolina.

Charleston, S. C., April 29, 1879.

I certify that the above is a true and exact copy of a letter handed to me to-day after the cases alluded to were continued in the United States Court.

(Signed) L. C. Northrop.

True copy of the certified copy as above in L. C. Northrop's handwriting.

Warren R. Marshall.

April 30, 1879.

Mr. President, I am through with this matter. It should not have been brought in here. All the thieves are gone; they are scattered over the nation, but I have remained here. My race has honored me with a seat on this floor, and I shall serve them to the best of my ability. My race needs no special defense, for the past history of them in this country proves them to be the equal of any people anywhere. All they need is an equal chance in the battle of life. I am proud of them, and by their acts toward me I know that they are not ashamed of me, for they have at all times honored me with their votes.

I stand here the equal of any man. I started out in the war with the Confederates; they threatened to punish me and I left them. I went to the Union army. I fought in seventeen battles to make glorious and perpetuate the flag that some of you trampled under your feet.

Innocent of every charge attempted to be made here to-day against me, no act or word of yours can in any way blur the record that I have made at home and abroad.

Mr. President, I am through, and shall not hereafter notice any personal remark. You have the facts in the case; by them I ask to be judged.

Mr. SHEPPARD addressed the Convention as follows in reference to the report of the Commission appointed to investigate the frauds of the State government from 1868 to 1876:

Mr. President and Gentlemen of the Convention:

I was absent from the Convention, and from the city, last Friday and Saturday, when the members from Beaufort made their speeches, and undertook to demonstrate the right of the colored race to vote, and to illustrate that they are worthy of the ballot.

Upon my return to the city, I read their speeches with care, and made up my mind to expose, not only for the consideration of this Convention, but for the country at large, the record that they made while they were practically in control of the government of the State. Upon reflection I relented. It occurred to me that they are here in a hopeless and helpless and harmless minority; I felt that it would be too much like attacking a man after he is down. I preferred to throw over the horrid scene the veil of charity, was willing that the memory of men should let fall the recollections of the melancholy events of that day, and I concluded not to do so.

I would not detain the Convention even for the five minutes during which I shall ask your indulgence but for the remarks of the gentleman from Beaufort (Mr. Smalls) last night, in reply to my colleague (Mr. Tillman), who questioned the justice and rightfulness of the record that was made up by the Committee on Frauds—of which I was a member—so far as it affected him.

He sought to impress upon the members of this Convention, and upon the minds of the people of this great country, that the judgment that was rendered in his case was based upon the testimony of Woodruff alone, and that his testimony was given in consideration of amnesty.

I am sorry that the member from Beaufort has made any such reference, because it makes it obligatory upon me, as a member of that Commission, in vindication of the truth of the record, to say that such was not only not the case, but that the record justified the event beyond the criticism of the closest scrutiny. The member from Beaufort, by the modesty of his demeanor, and by his evident endeavor to discharge his duties as a member of this Convention faithfully, has strongly commended himself to my friendly consideration; and I would not uncover the record but for the provocation they have given. They have brought on the inquiry, and they must take the consequences.

Then, Mr. President, what does the record show? That the member from Beaufort was tried before a Republican Judge—a member of his own party (Judge Townsend)—perhaps the ablest lawyer that was elected to the bench during that *regime*. He was defended by a man who was acknowledged to be the equal of any man who ever addressed a Court of General Sessions in South Carolina, and would compare favorably with any criminal lawyer in any State of the Union—(Judge Melton.)

His case was heard by a jury, one-half of whom were men of his own color. I say one-half—my recollection is that more than one-half of the jury were men of his own color. I have examined the record this morning—since breakfast—and *saw* the list of the jury, and the Clerk of the Court pointed out to me the names of six of the jurors who were known to be men of his own color—some of whom were men of his own political party.

By that jury a verdict of guilty was rendered. From that verdict and the judgment thereon he appealed to the Supreme Court of this State, of which the Chief Justice (Willard) was a Republican; and the judgment was affirmed unanimously. I regret to say to any gentleman here, or to any man who may read these words, that the judgment was justified by the record.

Mr. Wigg: Did you not vote to re-elect that Judge? Did you not re-elect a Republican to office for thus catering to your party?

Mr. Sheppard: I emphatically deny it. I voted against him thirty-two times. General McGowan was the candidate against Willard, and I voted against him every time until the result was reached. The gentleman does not know what he is talking about, and had better keep his seat until I get through.

Mr. President, it gives me no pleasure to say these things, and I would not have opened my lips to mortify the honorable member from Beaufort, but he has forced me to do so, as I am the only member of this Convention who was a member of that Commission.

Since that time the State has forgiven the honorable member, and I, for one, was willing that the unhappy circumstances of his life should be blotted from the memory of men. I trust that since he has received the pardon of the Chief Executive he has so conducted himself as to show that he was worthy of the restoration to the privileges of citizenship that was conferred upon him, and I hope that hereafter he will so conduct himself as to justify that action.

Mr. President, the record of the horrible crimes and disgusting debauchery which characterized the administration of the government, in all its departments, from 1868 to 1876, is here. No epitome can be made of it. In venality and corruption it is without a parallel in the history of civilized government. No adequate or just judgment can be formed of the outrages and infamies which were perpetrated without reference to the entire record. I will not fatigue your indignation by elaborate disclosure of the horrible details, but will content myself with the addition of a few conspicuous illustrations to the fearful arraignment presented by my colleague (Mr. Tillman) last evening.

At one session of the Senate there were sixteen colored Senators, besides the President of the Senate, who was a colored man. This record shows that of these seventeen men fourteen were corrupt, and I am sorry to say that the record does not show that the remaining three were not corrupt. That appalling fact shows that between the leaders of these men and their followers there was no difference, except in the price received. These fourteen men, leaders and followers, learned and ignorant, respected and depraved, were all alike corrupt, and the only difference was that some received five thousand dollars for a single vote, others received twenty-five hundred dollars, others fifteen hundred dollars, others one thousand dollars, and on down to three hundred dollars. The leaders to whom the colored people all over the country had the right to look for guidance, to whom the colored people had the right to look for example, only differed among themselves and from their followers in the price they received.

Why, Mr. President, when we were investigating this horrid picture, and exposing to the world these specimens of depravity, more than fifty of these men, including Senators and members of the House, officers of the General Assembly and State officials, came before us in their own persons and under oath acknowledged that they had been bought time and time again—giving time, circumstance and price. I will not weary you with recitals—the record is here, and I commend it to your examination. I will content myself with a solitary illustration. Charles Minort, a member of the Legislature from this city, who was a leader among his people here, who looked upon him with pride, and had a right to look to him for example, came before the Committee and testified with reference to the election of John J. Patterson to the United States Senate. Hear what he said.

"ROOMS OF JOINT INVESTIGATION COMMITTEE,
"COLUMBIA, S. C., October 20, 1877.

"CHARLES MINORT, BEING SWORN, SAYS:

"I am a resident of the city of Columbia. Was a member of the House of Representatives for one term, commencing in November, 1872, and am at present a member of the House, having been elected in November, 1876. I voted for John J. Patterson. I was prejudiced against R. B. Elliott, and Patterson found that out. He

asked me to support him, and also to hold the caucuses at my house, and said that he would pay me well for my services. I asked him how much. He said twenty-five hundred dollars; and I said all right. I accordingly held the caucuses at my house, and did my part of the work, which was all that I could do, to secure his election. Patterson paid me twenty-two hundred dollars, and promised to pay me the balance, but it has not been done. Some members told me that Patterson was paying for votes. I think Gilman told me that Patterson paid him. I am sure Gilman told me so.

" (Signed) C. S. MINORT."

Almost the entire record is made up of the testimony of participants, and is filled with confessions, under oath, such as that made by Minort.

But the member from Beaufort complains that he was persecuted, and that white men of greater prominence went unwhipped of justice, such as Leslie, Worthington and Patterson. Such was not the case. The Committee did not desire to fill the penitentiary with men who had committed these crimes. They desired that the judgment of condemnation, which was rendered upon their *ex parte* investigation against practically every man who had been connected with the State government during the period of reconstruction, would be vindicated by the judgment of the Courts of the State.

It was due to history that we should show by the judgment of the Courts that the record, as made up by the Committee, was just. Therefore we selected eight or ten of the most prominent and influential leaders for prosecution. Out of the entire number that we selected for prosecution—according to the best of my recollection—only two were colored, the balance were white men.

We prosecuted L. Cass Carpenter, a white man, for forgery, and convicted him before a Republican Judge and jury.

We prosecuted F. L. Cardozo, the State Treasurer, and convicted him.

We presented bills of indictment against such leaders as Patterson, Leslie, Neagle, Parker, Kimpton and Chamberlain, upon which "true bills" were rendered. We tried our best to get Leslie. We wanted Patterson more than we did any man connected with the record. We made requisition upon the Governor of Massachusetts for him, and sent our Attorney General there to demand his delivery to the agents of the State, but the Court refused to surrender him.

The members from Beaufort speak of white men who, as State officials, defaulted, by way of consolation, if not justification. But it is not true that in every State where white treasurers were guilty of malfeasance they have either been sent to the penitentiary or driven into exile and oblivion by the contempt and indignation of their fellow citizens. Where is a solitary man of them who has been forgiven by the people they have outraged, and restored to positions of power and authority?

But, Mr. President, it is no pleasure to me to go into this record, and I will not exhaust it. I regret that the matter has been referred to at all. The members from Beaufort brought it on themselves. But for their reference to the record, no mention would have been made of the facts stated. We desire to let the dead past bury its dead.

I tell them again that when the facts and the records are appealed to, they will find no comfort. I will not dwell further on the record unless

they force it, but I have no objection. If they force it, they must abide the consequences.

Now, gentlemen of the Convention, I desire to apologize for having detained you with a discussion of such matters; I have done no injustice to that Commission—two of whom are dead—who were actuated by a desire to serve the State faithfully. As long as my head is hot the finger of aspersion shall not be pointed at them. Every word that they wrote, and every judgment that they rendered, was justified by the record before them; and for the services that they performed they were entitled to the thanks of the people.

Mr. G. D. TILLMAN addressed the Convention on the same subject.

Mr. D S. HENDERSON moved that the remarks of Mr. G. D. Tillman be printed in the Journal; which was agreed to.

Mr. G. D. TILLMAN spoke as follows:

MR. PRESIDENT: Most of the facts that caused the writing of the letter which has just been read are personally known to me, and will, no doubt, be of interest. No one can even now read the history of the dark Reconstruction days through which we passed without indignation; indeed, to use the words of Gen. Toombs, I might say, "it even fatigues indignation." The document presented is genuine. I know how it came about. In fact, I may be called a party to it. When some of the carpet-bag head devils who had preyed upon the substance and vitals of the State, and were fugitives from justice, were being hunted throughout the United States by our State authorities, with a good chance of the capture of several of them, "the wisest, brightest and meanest of them" humbly sought an interview with the South Carolina delegation in Congress, including Senator Butler and the members of the House, to see if the hounding down could not be stopped. We then negotiated a treaty of peace, and agreed upon a mutual exchange of prisoners. Many South Carolinians were languishing in Northern prisons, under sentence for alleged violation of the Federal election laws, convicted, doubtless, by bribed juries and perjured witnesses, while numerous indictments were also pending in the Courts. Knowing that a number of Republicans had been guilty of other crimes besides bribe taking, theft, peculation and the robbery of the State, our local authorities here began arresting right and left, and the chief rascals, most of whom had fled the State, became alarmed about being brought to trial. Under the circumstances, we were not long in arriving at a compromise, which was that if the Federal Government would stop all its pending election prosecutions and pardon those who were immured in Northern dungeons, the State would pardon all Republicans she had convicted for crimes growing out of politics and cease further prosecutions. I know who has the original treaty of peace, but at the time it was agreed that no mention should be made of who holds the document.

A joint communication was addressed to President Hayes and the Governor of South Carolina, as I remember now, and the mutual exchange of prisoners and cessation of political prosecutions were carried out in good faith.

The whole truth can never be obtained when current history is written of contemporary events, and only time can bring out all the facts correctly. Therefore, when that historical document—this letter of Attorney General Youmans—was presented here, I felt it due to the accuracy of history that the whole truth should be known, and I say what I do for the benefit of the young men and the public, as well as to explain why South Carolina granted pardon and amnesty to all the Radical rascals after 1876.

Mr. MILLER moved that the remarks of himself and Mr. Smalls on the same subject be printed in the Journal.

Mr. EFIRD moved as a substitute that Mr. Smalls be permitted to make a statement in his own defense, and that it be printed in the Journal.

The motion of Mr. Efird was agreed to.

Mr. WHIPPER addressed the Convention on the same subject.

Mr. B. R. TILLMAN moved that Mr. Whipper be permitted to have his remarks printed in the Journal ; which was agreed to.

The pending question being the proposed amendment offered by Mr. Stokes,

On motion of Mr. B. R. TILLMAN, at 2 P. M., the Convention receded from business until 7.30 P. M. this day.

RECESS.

The PRESIDENT resumed the chair at 7:30 P. M.

Calendar No. 37, report of Committee on Suffrage.

Section 4. The pending question being the amendment proposed by Mr. Stokes this morning.

Mr. STOKES spoke in support of his amendment.

Debate continued by Mr. B. R. Tillman.

The question being put, the Convention refused to adopt the amendment.

Subsection *c*. Mr. ALDRICH moved to amend as follows : Strike out all on lines 10, 11 and 12 and the word "electors" on line 13 and insert the following :

"The person applying for registration must be able to read and write any Section of this Constitution: *Provided,* That an Act of the Legislature declaring any person of sufficient intelligence to exercise the right of suffrage shall be deemed the equivalent of ability to so read and write."

Mr. ALDRICH asked and obtained permission to withdraw for the present the proposed amendment as he intended to offer it on the third reading of the Article.

Mr. IRBY moved to strike out all of subsection (*d*).

Mr. IRBY addressed the Convention in support of his motion.

Debate continued by Messrs. Perritte, W. D. Evans and Bryan.

Mr. B. R. TILLMAN moved the previous question on Section 4; which was agreed to.

The following gentlemen addressed the Convention in support of the Committee report: Messrs. Behre and Bryan.

The following gentlemen spoke against the report of the Committee: Messrs. Wm. Henderson, Hemphill and Sligh.

The question being put upon Mr. Irby's motion to strike out subsection "*d*," Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 44; nays, 65.

Those who voted in the affirmative are:

Yeas—Messrs. Aldrich, Alexander, Anderson, Austin, Barry, Bates, Bobo, Bowen, T. W. Brice, Buist, DeHay, Dennis, Doyle, Dudley, Ellerbe, W. D. Evans, Gamble, Gray, Gunter, Hamel, Hemphill, Wm. Henderson, Irby, T. E. Johnson, Keitt, McMakin, Miller, J. D. Montgomery, Otts, Parrott, Perritte, I. R. Reed, Rogers, Rosborough, Shuler, Sligh, Smalls, A. J. Smith, Jeremiah Smith, W. C. Smith, Taylor, Whipper, Wigg, and Winkler.—44.

Those who voted in the negative are:

Nays—Hon. John Gary Evans, President, and Messrs. Ashe, Atkinson, Barker, Barton, Behre, Bellinger, Berry, Bowman, Breazeale, J. S. Brice, Bryan, Cooper, Cunningham, Douglass, Efird, Farrow, Field, Fraser, Gage, Gary, J. L. Glenn, Gooding, Graham, Harris, Harrison, Hay, Houser, Hutson, George Johnstone, Wilie Jones, E. J. Kennedy, J. W. Kennedy, Lowman, McCalla, McCaslan, McGowan, McKagen, McMahan, McWhite, Matthews, Mitchell, W. J. Montgomery, Morrison, Mower, Murray, Nicholson, Patterson, Peake, J. H. Read, Redfearn, Russell, Singletary, Sloan, R. F. Smith, Smoak, Stokes, Talbert, B. R. Tillman, G. D. Tillman, Waters, Watson, Wells, A. H. White, and Wiggins.—65.

Mr. SCARBOROUGH stated that he was paired with Mr. Nash, otherwise he would vote "no."

Mr. McDERMOTTE stated that he was paired with Mr. Woodward, otherwise he would vote "aye."

Mr. D. S. HENDERSON stated that he was paired with Mr. Wharton, otherwise he would vote "no."

Mr. HAYNSWORTH stated that he was paired with Mr. Meares, otherwise he would vote "no."

Mr. HENRY stated that he was paired with Mr. Ragsdale, otherwise he would vote "aye."

Mr. R. F. SMITH moved to amend subsection (*d*) by adding after the word "more" in line 24 the following :

Provided, further, That the General Assembly may prescribe other qualifications than these herein contained.

Mr. SMITH spoke in favor of his amendment.

The question being put, the amendment was rejected.

Section 4. The question being upon Section 4 as reported by the Committee.

After debate by Messrs. Bates, Parrott, D. S. Henderson, Rogers, W. C. Smith, J. D. Montgomery, Talbert, Barker, Berry, Stanyarne Wilson, McWhite, Bowen, McCaslan and Sligh,

The question being put upon the adoption of Section 4 as reported by the Committee, "Will the Convention agree thereto," it was decided in the affirmative.

The yeas and nays were requested, and are as follows :

Yeas, 69 ; nays, 37.

Those who voted in the affirmative are :

Yeas—Hon. John Gary Evans, President, and Messrs. Ashe, Atkinson, Barker, Barry, Barton, Behre, Bellinger, Berry, Bowen, Bowman, Breazeale, J. S. Brice, T. W. Brice, Bryan, Buist, Cooper, Cunningham, Douglass, Efird, Field, Fraser, Gage, Gary, J. L. Glenn, Gooding, Graham, Gunter, Harris, Harrison, Hay, Houser, Hutson, George Johnstone, Wilie Jones, Keitt, E. J. Kennedy, J. W. Kennedy, Lowman, McCalla, McCaslan, McGowan, McKagen, McMahan, McWhite, Matthews, Mitchell, Morrison, Mower, Murray, Nicholson, Otts, Patterson, Peake, Redfearn, Russell, Singletary, Sligh, Sloan, Smoak, Stokes, Talbert, B. R. Tillman, Waters, Watson, Wells, A. H. White, Wiggins, and Stanyarne Wilson.—69.

Those who voted in the negative are :

Nays—Messrs. Aldrich, Alexander, Anderson, Austin, Bates, Bobo, DeHay, Dennis, Dudley, Ellerbe, W. D. Evans, Gamble, Gray, Hamel, Hemphill, Wm. Henderson, Irby, T. E. Johnson, McMakin, Miller, J. D. Montgomery, W. J. Montgomery, Parrott, Perritte, I. R. Reed, Rogers, Rosborough, Shuler, Smalls, A. J. Smith, R. F. Smith, W. C. Smith, Taylor, G. D. Tillman, Whipper, Wigg, and Winkler. —37.

Mr. FLOYD stated that he was paired with Mr. S. E. White, otherwise he would have voted "no."

Mr. DOYLE stated that he was paired with Mr. Garris, otherwise he would have voted "no."

Mr. SCARBOROUGH stated that he was paired with Mr. Nash, otherwise he would have voted "no."

Mr. JEREMIAH SMITH stated that he was paired with Mr. Cantey, otherwise he would have voted "no."

Mr. D. S. HENDERSON stated that he was paired with Mr. Wharton, otherwise he would have voted "yea."

Mr. McDERMOTTE stated that he was paired with Mr. Woodward, otherwise he would have voted "no."

Mr. HAYNSWORTH stated that he was paired with Mr. Meares, otherwise he would have voted "aye."

Mr. FARROW stated that he was paired with Mr. Jervey, otherwise he would have voted "aye."

Mr. J. H. READ stated that he was paired with Mr. Bradham, otherwise he would have voted "no."

REASONS GIVEN FOR VOTING.

Mr. President, anticipating absence from the Convention, I "paired" upon the question of the adoption of Section 4 of the report of the Committee on Suffrage; as the pair was not announced, I desire to state that if I had been present I would have voted "no."

Respectfully,

J. C. SHEPPARD.

I voted "no" because I object to what is known as the understanding clause contained in subsection "*c*." I am in full accordance with the balance of Section 4.

W. J. MONTGOMERY.

T. E. Johnson votes "no" because he is opposed to any educational or property qualification on adoption of Section 4.

I vote against the fourth Section of the report of the Committee on Suffrage because of opposition to the short limitation to the provisions in subsection "*c*" and the property qualification in subsection "*d*."

J. W. HAMEL.

The Section as amended was adopted.

Mr. B. R. TILLMAN moved to reconsider the vote whereby the Convention adopted Section 4 as amended, and to lay that motion on the table; which was agreed to.

Mr. B. R. TILLMAN moved that the further consideration of the report of the Committee on Suffrage be adjourned until 7:30 P. M. Tuesday next.

Mr. IRBY moved that when this Convention adjourn it stand adjourned until 7:30 P. M. on Tuesday next.

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows:

Yeas, 58; nays, 50.

Those who voted in the affirmative are:

Yeas—Messrs. Anderson, Ashe, Atkinson, Barker, Barry, Bellinger, Bobo, J. S. Brice, Bryan, Buist, Cooper, Cunningham, Douglass, Dudley, Efird, Ellerbe, W. D. Evans, Gage, Gamble, Gary, Gilland, Gray, Gunter, Hay, Haynsworth, D. S. Henderson, Henry, Hutson, Irby, George Johnstone, Keitt, McCalla, McMahan, Miller, Mitchell, J. D. Montgomery, W. J. Montgomery, Mower, Nicholson, Otts, Parrott, Patterson, Prince, I. R. Reed, Rogers, Shuler, Singletary, Sligh, Sloan, Smalls, A. J. Smith, Jeremiah Smith, R. F. Smith, B. R. Tillman, Wells, Whipper, A. H. White, Wigg, and Stanyarne Wilson.—58.

Those who voted in the negative are:

Nays—Hon. John Gary Evans, President, and Messrs. Aldrich, Alexander, Austin, Barton, Bates, Behre, Berry, Bowen, T. W. Brice, DeHay, Dennis, Doyle, Farrow, Field, Floyd, Fraser, J. L. Glenn, Gooding, Graham, Hamel, Harris, Harrison, Hemphill, Wm. Henderson, Houser, T. E. Johnson, E. J. Kennedy, J. W. Kennedy, Lowman, McCaslan, McDermotte, McGowan, McKagen, McMakin, McWhite, Matthews, Morrison, J. H. Read, Redfearn, Rosborough, Russell, Scarborough, W. C. Smith, Stokes, Talbert, Taylor, Watson, and Wiggins.—50.

LEAVES OF ABSENCE.

Indefinite leave of absence was granted to Messrs. Patterson and Gamble; also to Messrs. Berry, Howell, Aldrich and Singletary until Wednesday evening.

Mr. B. R. TILLMAN moved that the address of Mr. Sheppard, delivered this morning, be printed in the Journal; which was agreed to.

On motion of Mr. A. J. SMITH, at 11:35 P. M., the Convention adjourned until 7:30 P. M. on Tuesday next.

THIRTY-NINTH DAY.

Tuesday, November 5, 1895.

The Convention assembled at 7:30 o'clock P. M.
The Secretary called the roll.
The PRESIDENT took the chair.
A quorum being present, the deliberations were opened with prayer by the Rev. Mr. PARROTT.
The Journal of yesterday's proceedings was read and confirmed.

Mr. WELLS introduced the following ordinance, which was read the first time and ordered for consideration to-morrow :

AN ORDINANCE TO POSTPONE THE NEXT REGULAR SESSION OF THE GENERAL ASSEMBLY FROM THE FOURTH TUESDAY IN NOVEMBER, 1895, TO THE SECOND TUESDAY IN JANUARY, 1896.

Be it ordained by the people of South Carolina, in convention assembled, and by authority of the same, That the next regular session of the General Assembly of this State, appointed by law to be held on the fourth Tuesday of November, in the year of our Lord one thousand eight hundred and ninety-five, be, and the same is hereby, postponed until the second Tuesday of January which shall be in the year of our Lord one thousand eight hundred and ninety-six; and that the Governor of the State be, and is hereby, authorized and empowered to issue his proclamation to that effect.

Mr. D. S. HENDERSON moved that Calendar No. 23, "An ordinance to authorize the issue of State bonds to enable the Counties of the State to do business on a cash basis," be printed as amended ; which was agreed to.

UNFINISHED BUSINESS.

Calendar No. 37, report of the Committee on Suffrage.
Section 5. Mr. BRYAN moved to amend line 3, after the word "Article," by inserting the words "and on such appeal the hearing shall be *de novo ;*" which was agreed to.

Also, to amend line 4, by inserting after the word "law" the words "for such appeal and;" which was agreed to.

The Section as amended was adopted.

Section 6. Mr. BELLINGER moved to amend by adding after word "bigamy," on line 5, the following words: "housebreaking, receiving stolen goods, breach of trust with a fraudulent intention, fornication, sodomy, assault with intent to ravish, miscegenation, incest, and larceny," and by striking out the words "theft" and "embezzlement," on lines 3 and 4; which was agreed to.

Mr. E. J. KENNEDY moved to amend by striking out all of line 8 after the word "and."

On motion of Mr. D. S. HENDERSON, the motion was laid on the table.

Mr. DOYLE moved to amend line 5 by inserting after the word "bigamy," the words "wife beating;" which was agreed to.

The Section as amended was adopted.

Section 7 was adopted as reported by the Committee.

Section 8. Mr. SHEPPARD moved to amend as follows: Add to Section 8: "For the first registration to be provided for under this Constitution, the registration books shall be kept open for at least six consecutive weeks, and thereafter from time to time at least one week in each month, up to thirty days next preceding the first election to be held under this Constitution;" which was agreed to.

Mr. GAGE moved to amend line 9 by striking out all after the word "Senate;" which was agreed to.

Mr. W. D. EVANS moved to amend by striking out on line 3 after and including the word "*Provided*" down to and including the word "County" on line 6.

After debate by Messrs. W. D. Evans, George Johnstone and Bryan,

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows:

Yeas, 54; nays, 35.

Those who voted in the affirmative are:

Yeas—Hon. John Gary Evans, President, and Messrs. Alexander, Ashe, Atkinson, Austin, Barry, Barton, Breazeale, Buist, Carver, Cunningham, DeHay, Dennis, Douglass, Efird, W. D. Evans, Field, Fitch, Floyd, Gary, Gooding, Gunter, Hamel, Harrison, Hay, Hemphill, Wm. Henderson, Houser, T. E. Johnson, Ira B. Jones, Wilie Jones, Keitt, E. J. Kennedy, McCalla, McCaslan, McMakin, McWhite, Matthews, Moore, Morrison, Murray, Parler, Rosborough,

Rowland, Russell, Shuler, Sligh, A. J. Smith, Talbert, Taylor, Waters, Wharton, Stanyarne Wilson, and W. B. Wilson.—54.

Those who voted in the negative are :

Nays—Messrs. Anderson, Bellinger, Berry, Bowen, J. S. Brice, Bryan, Derham, Doyle, Dudley, Fraser, Gage, J. L. Glenn, Harris, D. S. Henderson, Howell, Hutson, George Johnstone, McGowan, McMahan, Meares, Miller, Mitchell, Mower, Otts, Patton, Prince, I. R. Reed, Sheppard, Sloan, Jeremiah Smith, B. R. Tillman, Wells, A. H. White, S. E. White, and Wigg.—35.

Mr. STANYARNE WILSON moved to reconsider the vote whereby the amendment was adopted, and to lay that motion on the table ; which was agreed to.

Mr. BRYAN moved to amend by inserting on line 8 after the word "three" the words "discreet persons in each County ;" which was agreed to.

Section 8 as amended was adopted.

Section 9. Mr. SHEPPARD moved to amend line 1 by striking out the word "election" and inserting in lieu thereof the word "polling ;" which was agreed to.

Also, line 4, by striking out the word "election" and inserting "polling ;" which was agreed to.

Mr. GEORGE JOHNSTONE moved to amend line 3 (original Bill) by inserting after the words "a voter may" the words "upon a change of residence ;" which was agreed to.

Mr. STANYARNE WILSON offered the following substitute for Section 9:

There shall be established in the several Counties in the State election precincts, and each voter can be registered only at the nearest precinct, and must there cast his vote. Any voter may be transferred from one election precinct to another upon his change of residence.

On motion of Mr. STANYARNE WILSON, further debate on this Section was adjourned for the present. The pending question being the proposed substitute.

Section 10. Mr. B. R. TILLMAN moved to amend line 1 by striking out the word "holding" and inserting the word "regulation ;" which was agreed to.

The Section, as amended, was adopted.

Section 11. On motion of Mr. FITCH, further debate on this Section was adjourned until 10 A. M. to-morrow ; all amendments proposed to be printed in the Journal.

PROPOSED AMENDMENTS UNDER SECTION 11.

Add to Section 11 the following: "Thereafter the registration books shall be public records, open to the inspection of the public."

J. C. SHEPPARD.

Add to Section 11, after the word "interim" on line 3: "or to correct any mistakes, errors, omissions or fraud of the Board of Registration."

W. M. FITCH.

Amend Section 11 by adding, after the word "election," on line 2, the following: "And they shall be open for public inspection one week thereafter prior to the election, and be placed in the Clerk of Court's office for such inspection."

W. M. FITCH.

Section 12. Mr. B. R. TILLMAN moved to amend by adding to the end of the Section the words "and collectible;" which was agreed to.

The Section as amended was adopted.

Section 13. Mr. MEARES moved to amend line 4 by inserting after the word "electors" the words "except as to sex."

Also, add to the end of the Section: "The General Assembly shall provide by law for a special registration to qualify electors to vote at such special elections."

Mr. D. S. HENDERSON moved to lay both amendments on the table.

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows:

Yeas, 57; nays, 29.

Those who voted in the affirmative are:

Yeas—Messrs. Alexander, Anderson, Ashe, Austin, Barry, Barton, Bellinger, Bowen, Breazeale, J. S. Brice, Bryan, Buist, Carver, De-Hay, Dennis, Douglass, Doyle, Efird, Field, Fitch, Fraser, Gary, J. L. Glenn, Gunter, Hamel, Harris, Harrison, D. S. Henderson, Wm. Henderson, Houser, Howell, Hutson, T. E. Johnson, George Johnstone, Keitt, E. J. Kennedy, McGowan, McMakin, McWhite, Matthews, Mitchell, Morrison, Mower, Murray, Otts, Prince, I. R. Reed, Rowland, Russell, Sheppard, Jeremiah Smith, Talbert, Waters, Wells, A. H. White, Stanyarne Wilson, and W. B. Wilson.—57.

Those who voted in the negative are:

Nays—Hon. John Gary Evans, President, and Messrs. Atkinson, T. W. Brice, Cunningham, Derham, Dudley, W. D. Evans, Floyd, Gage, Gooding, Hay, Hemphill, Ira B. Jones, Wilie Jones, McCalla,

McCaslan, McMahan, Meares, Miller, Moore, Parler, Rosborough, Shuler, A. J. Smith, Taylor, B. R. Tillman, Wharton, S. E. White, and Wigg.—29.

Mr. BRYAN moved to reconsider the vote whereby the amendments were rejected and to lay that motion on the table; which was agreed to.

Mr. GEO. JOHNSTONE moved to amend by inserting on line 5, after the word "receipt," the words "or duplicate receipts of the officer authorized to collect the same."

On motion of Mr. MOORE, the proposed amendment was laid on the table.

Mr. GAGE moved to amend line 1; after the word "in" insert "Counties;" which was agreed to.

Also, line 3, after the word "said," insert the word "Counties;" which was agreed to.

Mr. JEREMIAH SMITH moved to amend line 2 by striking out all after the word "same" down to and including the word "elections" in line 5.

Mr. D. S. HENDERSON moved to lay the amendment on the table.

The question being put: "Will the Convention agree thereto?"

The yeas and nays were requested, and are as follows:

Yeas, 35; nays, 42.

Those who voted in the affirmative are:

Yeas—Hon. Jno. Gary Evans, President, and Messrs. Ashe, Atkinson, Barton, Bellinger, J. S. Brice, T. W. Brice, Bryan, Buist, Cunningham, Deyle, Efird, Fitch, Fraser, Gage, J. L. Glenn, Harris, Hay, D. S. Henderson, Howell, Hutson, Ira B. Jones, Wilie Jones, McCalla, McGowan, McMahan, Matthews, Mitchell, Moore, Mower, Russell, B. R. Tillman, Wells, A. H. White, and S. E. White.—35.

Those who voted in the negative are:

Nays—Messrs. Alexander, Anderson, Austin, Bowen, Breazeale, DeHay, Dennis, Derham, Dudley, W. D. Evans, Field, Floyd, Gary, Gooding, Gunter, Hamel, Harrison, Hemphill, Wm. Henderson, Houser, T. E. Johnson, George Johnstone, Keitt, E. J. Kennedy, McCaslan, McMakin, McWhite, Meares, Miller, Morrison, Murray, Otts, Parler, Prince, I. R. Reed, Sheppard, Shuler, A. J. Smith, Jeremiah Smith, Talbert, Taylor, and W. B. Wilson.—42.

The roll call showing that a majority of the delegates were absent, the pending question being the proposed amendment of Mr. Jeremiah Smith,

On motion of Mr. W. D. EVANS, at 10:40 P. M., the Convention adjourned until 10 A. M. to-morrow.

FORTIETH DAY.

Wednesday, November 6, 1895.

The Convention assembled at 10 o'clock A. M.

The Secretary called the roll.

The following delegates answered to their names—112 present:

Hon. John Gary Evans, President, and Messrs. Aldrich, Alexander, Anderson, Ashe, Atkinson, Austin, Barker, Barry, Barton, Bellinger, Berry, Bowen, Bowman, Breazeale, J. S. Brice, T. W. Brice, Bryan, Buist, Burn, Carver, Cunningham, DeHay, Dennis, Dent, Derham, Douglass, Doyle, Dudley, Efird, Estridge, W. D. Evans, Farrow, Field, Fitch, Floyd, Fraser, Gage, Garris, Gary, Gilland, J. L. Glenn, Gooding, Gunter, Hamel, Harris, Harrison, Hay, Hemphill, D. S. Henderson, Wm. Henderson, Houser, Howell, Hutson, T. E. Johnson, George Johnstone, Ira B. Jones, Wilie Jones, Keitt, E. J. Kennedy, Lee, Lowman, McCalla, McCaslan, McCown, McDermott, McGowan, McMahan, McMakin, McWhite, Matthews, Meares, Miller, Mitchell, J. D. Montgomery, Moore, Morrison, Mower, Murray, Otts, Parler, Patterson, Patton, Prince, Ragsdale, Redfearn, I. R. Reed, Rosborough, Rowland, Russell, Sheppard, Shuler, Sligh, Sloan, A. J. Smith, Jeremiah Smith, Stokes, Stribling, Sullivan, Talbert, Taylor, B. R. Tillman, G. D. Tillman, Waters, Watson, Wells, Wharton, A. H. White, S. E. White, Wigg, Wiggins, Stanyarne Wilson, W. B. Wilson—112 present.

The PRESIDENT took the chair.

A quorum being present, the deliberations were opened with prayer by the Rev. Mr. PARROTT.

The Journal of yesterday's proceedings was read and confirmed.

LEAVES OF ABSENCE.

Indefinite leave was granted Messrs. Sullivan, Smalls and Whipper; until Saturday to Mr. Behre.

Mr. W. D. EVANS asked and obtained leave of absence for the day on account of pressing business as Railroad Commissioner.

UNFINISHED BUSINESS.

Calendar No. 37, report of Committee on Suffrage.

Section 9. Mr. STANYARNE WILSON moved to lay on the table the substitute of his proposed yesterday and printed in Journal, page 3 ; which was agreed to.

Mr. STANYARNE WILSON offered the following substitute for Section 9 :

The General Assembly shall provide for the establishment of polling precincts in the several Counties of the State, and those now existing shall so continue until abolished or changed. Each elector shall be required to vote at his own precinct, but provision shall be made for his transfer to another precinct upon his change of residence.

Which was agreed to.

The substitute was adopted as Section 9.

Section 11. Mr. SHEPPARD withdrew his proposed amendment, printed in the Journal of yesterday, page 4.

Mr. BRYAN moved to add to the end of the Section the following :

"The registration officers of each County shall, twenty days before any election held in the County, or any city or town in the County, make, certify and file in the office of the Clerk of the Court of Common Pleas of the County copies of the registration books, showing separately the registered voters for each polling district in said County, and the same shall remain on file as public records of said office and open to public inspection."

Mr. GEORGE JOHNSTONE moved to amend the amendment by placing at the beginning the following words : "The registration books shall be public records open to the inspection of the public ;" which was agreed to.

The amendment as amended was agreed to.

Mr. FITCH moved to amend by inserting after the word "interim" on line 3 the following : "Or to correct any mistakes, errors, omissions or fraud ;" which was agreed to.

Mr. FITCH withdrew his second proposed amendment, printed on page 4 in the Journal of yesterday.

Mr. GEORGE JOHNSTONE moved to amend line 3 by striking out the words "coming of age" and inserting in lieu thereof the words "becoming qualified ;" which was agreed to.

Mr. LEE moved to reconsider the vote whereby the Convention adopted the amendment proposed by Mr. Fitch ; which was agreed to.

Mr. PRINCE moved to strike out the word "omissions" in the amendment proposed by Mr. Fitch; which was agreed to.

Mr. BREAZEALE moved to strike out Section 11; which was agreed to.

Mr. STANYARNE WILSON moved to reconsider the vote whereby the Convention agreed to strike out Section 11, and to lay that motion on the table.

The question being put: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 47; nays, 56.

Those who voted in the affirmative are:

Yeas—Hon. John Gary Evans, President, and Messrs. Alexander, Austin, Barry, Barton, Bowen, Breazeale, T. W. Brice, Buist, Carver, Cunningham, DeHay, Dennis, Douglass, Efird, Estridge, Field, Floyd, Gary, Gooding, Gunter, Harrison, Hay, Hemphill, Wm. Henderson, Houser, T. E. Johnson, Ira B. Jones, Wilie Jones, Lee, Lybrand, McCown, McDermotte, McMakin, Morrison, Murray, Otts, Redfearn, Rosborough, Sligh, Stokes, Talbert, Taylor, Waters, Stanyarne Wilson, W. B. Wilson, Winkler.—47.

Those who voted in the negative are:

Nays—Messrs. Aldrich, Anderson, Ashe, Atkinson, Bates, Berry, J. S. Brice, Bryan, Burn, Dent, Derham, Doyle, Dudley, Farrow, Fitch, Fraser, Gage, Garris, Gilland, J. L. Glenn, Hamel, Harris, D. S. Henderson, Howell, Hutson, George Johnstone, Keitt, E. J. Kennedy, McCalla, McCaslan, McGowan, McMahan, McWhite, Matthews, Meares, Miller, Mitchell, J. D. Montgomery, Moore, Mower, Parler, Patterson, Prince, I. R. Reed, Rowland, Russell, Shuler, A. J. Smith, Jeremiah Smith, B. R. Tillman, G. D. Tillman, Wells, Wharton, A. H. White, S. E. White, Wigg.—56.

Mr. B. R. TILLMAN moved to reconsider the vote whereby Section 11 was stricken out; which was agreed to.

Mr. B. R. TILLMAN moved to reconsider the vote whereby the amendment proposed by Mr. Fitch had been adopted; which was agreed to.

Mr. B. R. TILLMAN moved to lay the proposed amendment on the table; which was agreed to.

Mr. STANYARNE WILSON moved to reconsider the vote whereby the Convention adopted the amendment proposed by Mr. Bryan, and amended by Mr. George Johnstone.

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows:

Yeas, 66; nays, 41.

Those who voted in the affirmative are:

Yeas—Hon. John Gary Evans, President, and Messrs. Alexander, Anderson, Ashe, Atkinson, Austin, Barry, Barton, Bowen, Bowman, Breazeale, T. W. Brice, Buist, Carver, Connor, Cunningham, DeHay, Dennis, Douglass, Efird, Estridge, Field, Floyd, Gage, Garris, Gooding, Gunter, Hamel, Harrison, Hay, Hemphill, D. S. Henderson, Wm. Henderson, Houser, T. E. Johnson, Ira B. Jones, Keitt, Lowman, Lybrand, McCalla, McCaslan, McCown, McMahan, McMakin, McWhite, J. D. Montgomery, Morrison, Murray, Otts, Parler, Patterson, Redfearn, Rosborough, Rowland, Sligh, W. C. Smith, Stokes, Talbert, B. R. Tillman, Waters, Wharton, A. H. White, Stanyarne Wilson, W. B. Wilson, Winkler, and Woodward.—66.

Those who voted in the negative are:

Nays—Messrs. Barker, Bates, Berry, J. S. Brice, Bryan, Burn, Dent, Derham, Doyle, Dudley, Farrow, Fitch, Fraser, Gary, Gilland, J. L. Glenn, Harris, Howell, Hutson, George Johnstone, Wilie Jones, E. J. Kennedy, McDermotte, McGowan, Matthews, Meares, Miller, Mitchell, Moore, Mower, Patton, Prince, I. R. Reed, Russell, Shuler, Sloan, Jeremiah Smith, G. D. Tillman, Wells, S. E. White, and Wigg.—41.

Mr. STANYARNE WILSON moved to lay the amendment of Mr. Bryan on the table; which was agreed to.

Section 11 was adopted as amended.

Section 13. Mr. JEREMIAH SMITH moved to amend line 2 by striking out all after the word "same" down to and including the word "election" on line 5.

The question being put, the Convention refused to adopt the proposed amendment.

Mr. PRINCE offered the following as a substitute:

Section 13. In authorizing a special election in any incorporated city or town in this State for the purpose of bonding the same, the General Assembly shall prescribe as a condition precedent to the holding of said election a petition from a majority of the freeholders of said city or town, as shown by its tax books, and at such election all electors of such city or town who are duly qualified for voting under Section 12 of this Article, and who have paid all taxes—State, County and municipal—for the previous year, shall be allowed to vote, and the vote of a majority of those voting in said election shall be necessary to authorize the issue of said bonds.

Mr. MEARES moved to recommit the Section to the Committee.

Mr. TALBERT moved to lay the motion on the table; which was agreed to.

The substitute was adopted as Section 13.

Section 14 was adopted as reported by the Committee.

Section 15 was adopted as reported by the Committee.

The report of the Committee on Suffrage, having been read a second time, was adopted and ordered engrossed for a third reading to-morrow.

Calendar No. 10, report of Committee on Legislative Department, on motion of Mr. SLIGH, was made a special order for 10 A. M. to-morrow.

On motion of Mr. E. J. KENNEDY, Nos. 39, 40, and 41, the three reports submitted by the Committee on Education, were made special orders for to-morrow, (Thursday, November 7th), at 10 : 30 A. M., and from day to day until disposed of.

No. 23, an ordinance to authorize the issue of State bonds to enable the Counties of the State to do business on a cash basis. (Mr. D. S. Henderson).

Mr. SHEPPARD moved to indefinitely postpone the ordinance.

After debate by Messrs. Sheppard, Jeremiah Smith, Wharton, D. S. Henderson, Prince, Connor, Gage, Buist, George Johnstone, B. R. Tillman, Talbert, G. D. Tillman, J. D. Montgomery, and Derham,

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows:

Yeas, 57; nays, 53.

Those who voted in the affirmative are:

Yeas—Messrs. Alexander, Ashe, Atkinson, Barker, Bowen, Bowman, Breazeale, T. W. Brice, Bryan, Buist, Connor, Cunningham, Derham, Doyle, Dudley, Efird, Estridge, Floyd, Gage, Gary, Gilland, Gooding, Hamel, Harris, Harrison, Hay, Hemphill, Houser, Hutson, George Johnstone, Ira B. Jones, Keitt, E. J. Kennedy, Lowman, Lybrand, McCalla, McDermotte, McKagen, Meares, Mower, Nash, Otts, Patterson, Prince, Redfearn, Rogers, Russell, Sheppard, Shuler, Jeremiah Smith, Stokes, Talbert, Taylor, G. D. Tillman, Wells, A. H. White, and Winkler.—57.

Those who voted in the negative are:

Nays—Hon. John Gary Evans, President, and Messrs. Aldrich, Anderson, Barry, Barton, Bates, Bellinger, Berry, Bradham, Burn, Carver, DeHay, Dennis, Dent, Douglass, Farrow, Field, Fraser, Garris, Gunter, D. S. Henderson, Wm. Henderson, Howell, T. E. Johnson, Wilie Jones, Klugh, Lee, McCaslan, McGowan, McMahan, Mc-

Makin, McWhite, Matthews, J. D. Montgomery, Moore, Morrison, Murray, Parler, I. R. Reed, Rosborough, Rowland, Scarborough, Sligh, Sloan, A. J. Smith, W. C. Smith, B. R. Tillman, Waters, Wharton, Wigg, Stanyarne Wilson, W. B. Wilson, and Woodward. —53.

Mr. SHEPPARD moved to reconsider the vote whereby the ordinance was indefinitely postponed, and to lay that motion on the table.

The question being put, it was decided in the affirmative by a rising vote of 59 to 46.

Section 2. Calendar No. 46, report of the Committee on Jurisprudence.

Mr. GEO. JOHNSTONE moved to reconsider the vote whereby the Convention had adopted Section 2; which was agreed to.

Mr. GEO. JOHNSTONE moved to amend Section 2 as follows: By striking out all after the word "commenced," on line 5, down to and including the word "has," on line 6.

At 2 P. M., Mr. Geo. Johnstone having the floor,

On motion of Mr. CONNOR, the Convention receded from business until 7:30 P. M. this day.

RECESS.

The PRESIDENT resumed the chair at 7:30 P. M.

Mr. CONNOR moved to recur to the morning hour; which was agreed to.

Mr. CONNOR introduced the following ordinance, which was read the first time and ordered for consideration to-morrow:

AN ORDINANCE TO AUTHORIZE THE GENERAL ASSEMBLY TO PROVIDE FOR A SINKING FUND IN THE SEVERAL COUNTIES OF THE STATE TO ENABLE THE SAME TO DO BUSINESS ON A CASH BASIS.

Whereas in most, if not all, of the Counties of the State the taxes are never realized until a year after the levy, and consequently the contracts for ordinary County purposes and for the running of the schools have to be made on a credit instead of a cash basis; and whereas this is an evil which ought to be remedied.

Therefore be it ordained by the people of the State of South Carolina, in convention assembled, and by the authority of the same:

Section 1. That the General Assembly shall provide for an annual tax levy not to exceed one-half of one mill in each County not now on a cash basis. The proceeds of all such levies shall be used as a sinking fund for each and every County in which it is levied and collected, and shall be invested as the General Assembly shall direct until an amount sufficient shall have been collected to put such Counties on a cash basis. Then such annual levies shall cease.

Mr. MORRISON presented the following petition, which was read the first time and referred to the Committee on Counties and County Governments, signed by two hundred and sixty-six citizens.

To the Honorable the President and Members of the Constitutional Convention of South Carolina.

GENTLEMEN: We, the undersigned, citizens and taxpayers of and in the within mentioned territory in the State of South Carolina, do hereby petition your honorable body to pass an Ordinance for the establishment of the County of "Seabrook;" the said County to be composed of the following territory, to wit: The Islands of John's, Wadmalaw and Edisto, and the Parishes of St. Andrew's, St. Thomas and St. Dennis, Christ Church and St. James Santee, except that portion of the latter originally embraced in Charleston County. And your petitioners will ever pray, &c.

Calendar No. 46, report of Committee on Jurisprudence.

Section 2. Mr. GEORGE JOHNSTONE resumed the floor and continued his remarks in support of his proposed amendment, printed in the Journal of this day.

Debate continued by Messrs. Bellinger, Farrow, G. D. Tillman, Burn, Haynsworth, Gilland and Prince.

Mr. BELLINGER moved the previous question on Section 2; which was agreed to.

The following gentlemen spoke in favor of the proposed amendment: Messrs. McGowan, Ragsdale, and Sloan. Time consumed by affirmative seventeen minutes.

REPORTS OF STANDING COMMITTEES.

Mr. McCOWN, for the Committee on Engrossed Resolutions, submitted the following report:

The Committee on Engrossed Resolutions and Ordinances, to whom was referred an Ordinance to "Provide that the General Assembly may enact such laws as may be necessary to validate and carry into effect subscriptions to the capital stock of certain railroad companies heretofore voted by the County of Chesterfield, and by the city of Spartanburg, respectively, and to validate and authorize the issue of bonds in payment of the same," was referred, beg leave to report that the same has been correctly engrossed and revised.

R. M. McCOWN, for Committee.

Received as information.

Mr. McCOWN submitted the following report:

The Committee on Engrossed Resolutions and Ordinances, to whom was referred an Article relating to "the suffrage," beg leave to report that the same has been correctly engrossed and revised.

R. M. McCOWN, for Committee.

Received as information.

LEAVE OF ABSENCE

Was granted Mr. Clayton until Monday next.

The pending question being the proposed amendment of Mr. George Johnstone to Section 2.

On motion of Mr. LOWMAN, the Convention, at 10.50 o'clock P. M., adjourned until 10 A. M. to-morrow.

FORTY-FIRST DAY.

Thursday, November 7, 1895.

The Convention assembled at 10 o'clock A. M.

The Secretary called the roll.

The following delegates answered to their names—135 present:

Hon. John Gary Evans, President, and Messrs. Aldrich, Alexander, Anderson, Ashe, Atkinson, Austin, Barker, Barry, Barton, Bates, Bellinger, Berry, Bobo, Bowen, Bowman, Bradham, Breazeale, J. S. Brice, T. W. Brice, Bryan, Buist, Burn, Carver, Connor, Cunningham, DeHay, Dennis, Dent, Derham, Douglass, Doyle, Dudley, Efird, Estridge, W. D. Evans, Farrow, Field, Fitch, Floyd, Fraser, Gage, Garris, Gary, Gilland, J. L. Glenn, Gooding, Graham, Gray, Gunter, Hamel, Harris, Harrison, Hay, Haynsworth, Hemphill, D. S. Henderson, Wm. Henderson, Henry, Houser, Howell, Hutson, T. E. Johnson, Geo. Johnstone, Ira B. Jones, Wilie Jones, Keitt, E. J. Kennedy, J. W. Kennedy, Klugh, Lee, Lowman, Lybrand, McCalla, McCaslan,

McCown, McDermotte, McGowan, McKagen, McMahan, McMakin, McWhite, Matthews, Meares, Miller, Mitchell, J. D. Montgomery, Moore, Morrison, Mower, Murray, Nash, Nicholson, Oliver, Otts, Parler, Patterson, Patton, Peake, Prince, Ragsdale, Redfearn, I. R. Reed, Rogers, Rosborough, Rowland, Russell, Scarborough, Sheppard, Shuler, Singletary, Sligh, Sloan, A. J. Smith, Jeremiah Smith, W. C. Smith, Stackhouse, Stokes, Talbert, Taylor, B. R. Tillman, G. D. Tillman, Waters, Watson, Wells, Wharton, A. H. White, S. E. White, Wigg, Stanyarne Wilson, W. B. Wilson, Winkler, and Woodward.

The PRESIDENT took the chair.

A quorum being present, the deliberations were opened with prayer by the Rev. Mr. PARROTT.

The Journal of yesterday's proceedings was read and confirmed.

LEAVES OF ABSENCE.

Indefinite leave was granted to Messers. Irby and Cantey ; to Mr. J. W. Kennedy until Friday next.

ACCOUNT.

Mr. HEMPHILL presented the following account of Charles A. Calvo, Jr., for printing, which was read the first time and referred to the Committee on Contingent Accounts and Expenses :

THE STATE OF SOUTH CAROLINA

TO CHARLES A. CALVO, JR., DR.

1895.				
Nov. 7.	To ptg 200 copies Convention Calendar, Oct. 24 to Nov. 7, 1895, inclusive—			
	44 pp. @ $1.07		$ 47 08	
	To ptg 200 copies Convention Journal, Oct. 23 to Nov. 6, 1895, inclusive—			
	63¼ L. P. pp. @ $1.07	$67 67		
	24¾ Brev. pp.=35 L. P. @ $1.07	37 45—	105 12	
	To ptg 200 copies Bill matter, 24 pp. @ $1.87		44 88	
	To ptg. 200 copies Convention Permanent Journal, sigs. 24 to 27 inclusive—			
	44¼ L. P. pp. @ $1.00	$44 25		
	19¾ Brev. pp.=28 L. P. @ $1.00	28 00—72 25		
				$269 33

STATE OF SOUTH CAROLINA, }
RICHLAND COUNTY. }

Personally appeared before me Charles A. Calvo, J., who, being duly sworn, deposes and says that the above is a just and true account against the State of South Carolina, no part of which has been paid by discount or otherwise.

CHARLES A. CALVO, JR.

Sworn to before me November 7, 1895.
GEO. W. PARKER, [L. S.]
Notary Public, S. C.

Mr. MITCHELL presented the following petition, signed by 316 citizens, which was read the first time and referred to the Committee on Counties and County Government:

To the Honorable the Members of the Constitutional Convention of the State of South Carolina:

Your petitioners, white voters and taxpayers in that portion of Charleston County proposed to be cut off and formed into a County to be called "Seabrook County," and also property holders of aforesaid section, but resident in Charleston, do hereby enter their solemn protest against the formation of said County.

Your petitioners would respectfully show that the assessment of said portion of Charleston County is only $2,220,726 as assessed for the fiscal year 1894-95, and to defray the expenses of said County incident to its formation and current expenses would require a levy of not less than twenty or twenty-one mills, while if we remain a portion of Charleston County we would be required to only pay on a levy of one-half that amount.

In the first place we would have to purchase from Berkeley County the court house and jail.

Second. We would have to pay Berkeley County and Charleston County $11,000 for the records that have been transcribed from Berkeley to Charleston.

Third. We would have to pay the expenses of a County government, including officers' salaries, Court expenses, maintenance of poor house and poor, and maintenance of roads and bridges, and countless other expenses.

Charleston County, with an assessment of over $20,000,000, levies a County tax of two and one-quarter mills, thereby collecting $45,000 for the above purposes; and can we expect to run the said Seabrook County for less than one-third, which is $15,000? To raise which would require a levy of seven mills in addition to eight mills required to obtain the court house and records as above recited, which will make the levy for 1895-96 over twenty-one mills. The above figures are based on the minimum cost of everything, and as property holders we earnestly protest against the creation of said County.

Again, the conformation of Seabrook County makes it necessary for every resident living to the south of Charleston (in order to reach his court house) that he must pass through Charleston. Those living to the north of Charleston will necessarily come to Mt. Pleasant, distant only three and

one-half miles from Charleston; so, as a matter of convenience for the majority of the residents of the section, Charleston is the most convenient point. About 80 per cent. of the population of the proposed County reside to the south of Charleston, and, being the point at which they all do their business, should be their County seat.

Again, the proposed County being composed of the sea islands and coast section is cut up by large creeks, which are crossed by expensive bridges, costing from $1,000 to $2,000 in their construction, and the life of these bridges does not exceed six years; consequently it is very doubtful if an eight-mill tax levy will cover the expenses of the County. This section, as you all know, is liable to damage by storms. We would also state that this section is inhabited by a large criminal class, which makes the Court expenses very heavy.

We would, in the last place, call your attention to the fact that the proposed County has a white voting population of a little over 400, with a large colored vote.

For the above reasons your petitioners would most earnestly protest against the formation of the said Seabrook County, and your petitioners will ever pray.

REPORT OF STANDING COMMITTEE.

Mr. FIELD, for the Committee on Contingent Accounts and Expenses, submitted the following report, which was read the first time and ordered for consideration to-morrow:

The Committee on Contingent Accounts and Expenses, to whom was referred an ordinance providing for the disbursement of the appropriation made by the General Assembly to defray the expenses of this Convention, respectfully report that they have carefully considered the same, and make the within report.

All of which is respectfully submitted,

W. T. FIELD, Chairman,
For Committee.

An Ordinance Defining the Pay and Mileage of the Members, Officers and Employees of This Convention.

We, the people of South Carolina, in Convention assembled, do ordain:

Section 1. That the following sums, if so much be necessary, be, and the same are hereby, appropriated to pay the expenses of the Constitutional Convention from the tenth day of September, eighteen hundred and ninety-five, to the close of the session, (except the time of the recess taken from the fourth day of October, eighteen hundred and ninety-five, to the fifteenth day of October, eighteen hundred and ninety-five) to the close of the session, as follows: For the per diem of the members at two dollars, and an additional per diem of two dollars from the fifteenth day of October, eighteen hundred and ninety-five, to the end of the session; for the pay of S. W. Vance, Secretary of the Convention,

six hundred dollars; for the pay of P. L. Melton, Assistant Secretary of the Convention, four dollars per day; for the pay of H. R. Flannigan, Second Assistant Secretary, three dollars per day; for the pay of J. T. Gantt, Journal Clerk, three dollars per day, and three dollars per day for indexing after adjournment, not to exceed twenty (20) days, such number of days as are absolutely necessary to be certified to by the Secretary of the Convention; for the pay of D. H. Witherspoon, Bill Clerk, three dollars per day; for the pay of A. H. Dagnall, Reading Clerk, three dollars per day; for the pay of E. P. Jenkins, Postal Clerk, two dollars per day; for the pay of A. M. Jolly, Doorkeeper, two dollars and fifty cents per day; for the pay of Joseph Witherspoon, Assistant Doorkeeper, two dollars per day: for the pay of W. J. Shelton, Gallery Doorkeeper, two dollars per day; for the pay of Glenn Smith, James Robinson, J. B. Hughes, Belton Drafts Caughman, J. W. McCalla, U. R. Brooks, Jr., Pages of the Constitutional Convention, each one dollar and fifty cents per day; for the pay of W. W. Lazenberry, West Oliphant, Damon Canty, Council Cross, James Adamson, and Aaron Owens, Laborers, each one dollar and fifty cents per day; for the pay of W. Boyd Evans, Clerk of the Judiciary Committee, two dollars per day; for the pay of Benjamin W. Crouch, Clerk of the Suffrage Committee, two dollars per day; for the pay of Levi David, Clerk of the Educational Committee, two dollars per day; for the pay of A. R. Harmon, Clerk of the Executive Committee, two dollars per day; for the pay of J. W. Wessinger, Clerk of Legislative Committee, two dollars per day; for the pay of R. L. Freeman, Clerk of the Committee on Finance and Taxation, two dollars per day; for the pay of G. P. Smith, Clerk of the Committee on Declaration of Rights, two dollars per day; for the pay of E. W. Townsend, Clerk of the Committee on Miscellaneous Matters, two dollars per day; for the pay of G. H. Charles, Clerk of the Committee on Counties and County Government, two dollars per day; for the pay of W. H. Yeldell, Chief Clerk of the Engrossing Department, three dollars per day; for the pay of N. H. Stansell, Sergeant-at-Arms, three dollars per day; for the pay of the Chaplain of the Convention, one hundred dollars.

SECTION 2. Be it further ordaind that the mileage of the members, officers and employees of the Convention shall be five cents per mile to and from the Convention by the usual routes; and be it further ordained that according to a resolution passed by the Constitutional Convention on the twenty-first day (Thursday, October the third, eighteen hundred and ninety-five) the members, officers and employees of this Convention be paid five cents per mile going to their homes during the recess and returning therefrom.

SECTION 3. Be it further ordained that the following sums, if so much be necessary, be appropriated: to pay for the printing connected with the Convention.....dollars; for lights and heating of the hall .....dollars; for stationery.....dollars.

UNFINISHED BUSINESS.

Calendar No. 46, report of Committee on Jurisprudence.

Section 2. The pending question being the amendment proposed by Mr. George Johnstone, printed on page 6 of the Journal of Wednesday, 6th of November.

The following gentlemen spoke in support of the amendment: Messrs. McCaslan, Talbert, Hutson and George Johnstone.

The following gentlemen spoke in opposition to the amendment: Messrs. Aldrich, Stokes, Stanyarne Wilson, Bellinger and Bowman.

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows:

Yeas, 71; nays, 58.

Those who voted in the affirmative are:

Yeas—Messrs. Anderson, Atkinson, Barker, Barton, Berry, J. S. Brice, T. W. Brice, Bryan, Burn, Dennis, Dent, Derham, Doyle, W. D. Evans, Farrow, Fitch, Floyd, Fraser, Gage, Gilland, J. L. Glenn, Graham, Gray, Gunter, Harrison, Hay, D. S. Henderson, Howell, Hutson, T. E. Johnson, George Johnstone, Wilie Jones, Keitt, Klugh, Lee, McCaslan, McDermotte, McGowan, McKagen, McMakin, Matthews, Meares, Miller, Mitchell, Mower, Murray, Nash, Oliver, Peake, Prince, Ragsdale, J. H. Read, I. R. Reed, Rogers, Rosborough, Russell, Scarborough, Sheppard, A. J. Smith, Jeremiah Smith, R. F. Smith, W. C. Smith, Stackhouse, Talbert, G. D. Tillman, Von Kolnitz, Wells, A. H. White, S. E. White, Wigg, and W. B. Wilson.—71.

Those who voted in the negative are:

Nays—Hon. John Gary Evans, President, and Messrs. Aldrich, Alexander, Ashe, Austin, Barry, Bates, Bellinger, Bobo, Bowen, Bowman, Bradham, Breazeale, Buist, Carver, Cunningham, Douglass, Dudley, Efird, Estridge, Gamble, Gary, Gooding, Hamel, Harris, Haynsworth, Hemphill, Henry, Houser, Ira B. Jones, E. J. Kennedy, Lowman, Lybrand, McCalla, McCown, McMahan, McWhite, J. D. Montgomery, Moore, Nicholson, Otts, Parler, Parrott, Patterson, Redfearn, Rowland, Shuler, Singletary, Sligh, Stokes, Stribling, Taylor, B. R. Tillman, Waters, Watson, Stanyarne Wilson, Winkler, and Woodward.—58.

Mr. JOHNSTONE moved to reconsider the vote whereby the Convention adopted the amendment, and to lay that motion on the table; which was agreed to.

Mr. GARRIS stated that he was paired with Mr. Patton, otherwise he would have voted "no."

Mr. BOWMAN stated that he was paired with Mr. Wharton, otherwise he would have voted "no."

Section 2 was adopted as amended.

Mr. GEORGE JOHNSTONE moved to reconsider the vote whereby Section 2 was adopted; which was agreed to.

Mr. EFIRD moved to amend line 2 by striking out the word "all" before the word "cases," and insert the word "civil."

Also, strike out the words "civil and criminal" on line 2.

Also, strike out "Circuit" on line 3, and insert after "Courts" the words "of Common Pleas."

Also, on lines 4 and 5, by striking out the words "trial or prosecution" and inserting the word "action."

Also to strike out the remainder of the Section after the word "commenced" on line 5.

Mr. D. S. HENDERSON moved to lay all of the proposed amendments on the table.

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows:

Yeas, 118; nays, 11.

Those who voted in the affirmative are:

Yeas—Hon. John Gary Evans, President, and Messrs. Aldrich, Alexander, Anderson, Atkinson, Austin, Barker, Barry, Barton, Bates, Bobo, Bowen, Bowman, Bradham, Breazeale, J. S. Brice, T. W. Brice, Bryan, Buist, Burn, Cunningham, DeHay, Dennis, Dent, Derham, Douglass, Doyle, Dudley, W. D. Evans, Farrow, Field, Floyd, Fraser, Gage, Gamble, Gary, Gilland, J. L. Glenn, Gooding, Graham, Gray, Gunter, Hamel, Harris, Harrison, Haynsworth, D. S. Henderson, Henry, Houser, Howell, Hutson, T. E. Johnson, George Johnstone, Ira B. Jones, Wilie Jones, Keitt, E. J. Kennedy, Klugh, Lee, Lowman, McCalla, McCaslan, McCown, McDermotte, McGowan, McKagen, McMahan, McMakin, McWhite, Matthews, Meares, Miller, Mitchell, J. D. Montgomery, Moore, Mower, Nicholson, Oliver, Otts, Parrott, Patterson, Patton, Peake, Prince, Ragsdale, J. H. Read, Redfearn, I. R. Reed, Rogers, Rosborough, Rowland, Russell, Scarborough, Sheppard, Singletary, Sligh, Sloan, A. J. Smith, Jeremiah Smith, R. F. Smith, W. C. Smith, Stackhouse, Stribling, Talbert, Taylor, B. R. Tillman, G. D. Tillman, Von Kolnitz, Waters, Watson, Wells, A. H. White, S. E. White, Wigg, Stanyarne Wilson, W. B. Wilson, and Winkler.—118.

Those who voted in the negative are:

Nays—Messrs. Ashe, Bellinger, Efird, Estridge, Fitch, Hemphill, Lybrand, Nash, Shuler, Stokes, and Woodward.—11.

Yeas, 118; nays, 11.

Mr. B. R. TILLMAN moved to strike out the whole Section.

The question being put, the Convention refused to strike out the Section.

Mr. STANYARNE WILSON moved to amend line 5, after "commenced" insert the words "The State shall have the same right to move for a change of venue that the defendant has for such offenses as the General Assembly may prescribe."

After debate by Messrs. Stanyarne Wilson, George Johnstone, B. R. Tillman, Meares, Parrott and Sligh,

Mr. GEORGE JOHNSTONE moved to lay the amendment on the table.

The question being put: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 59; nays, 72.

Those who voted in the affirmative are:

Yeas—Messrs. Anderson, Atkinson, Barker, J. S. Brice, T. W. Brice, Bryan, Burn, DeHay, Dennis, Dent, Derham, Doyle, Farrow, Fraser, Gage, Gilland, J. L. Glenn, Gray, Hay, Haynsworth, D. S. Henderson, Howell, Hutson, George Johnstone, Klugh, Lee, McCaslan, McGowan, McMakin, Meares, Miller, Mitchell, Mower, Murray, Oliver, Patton, Peake, Prince, Ragsdale, J. H. Read, I. R. Reed, Rogers, Russell, Scarborough, Sheppard, Sloan, A. J. Smith, Jeremiah Smith, R. F. Smith, Stackhouse, Talbert, G. D. Tillman, Von Kolnits, Wells, Wharton, A. H. White, S. E. White, Wigg, and W. B. Wilson.—59.

Those who voted in the negative are:

Nays—Hon. John Gary Evans, President, and Messrs. Aldrich, Alexander, Ashe, Austin, Barry, Barton, Bellinger, Bobo, Bowen, Bowman, Bradham, Breazeale, Buist, Carver, Cunningham, Douglass, Dudley, Efird, Estridge, W. D. Evans, Field, Floyd, Gamble, Gary, Gooding, Graham, Gunter, Hamel, Harris, Harrison, Hemphill, William Henderson, Henry, Houser, T. E. Johnson, Ira B. Jones, Wilie Jones, Keitt, E. J. Kennedy, Lowman, Lybrand, McCalla, McCown, McDermotte, McKagen, McMahan, McWhite, Matthews, J. D. Montgomery, Moore, Nash, Nicholson, Otts, Parrott, Patterson, Redfearn, Rosborough, Rowland, Shuler, Singletary, Sligh, W. C. Smith, Stokes, Stribling, Taylor, B. R. Tillman, Waters, Watson, Stanyarne Wilson, Winkler, and Woodward.—72.

The question being put upon the proposed amendment, it was agreed to.

Mr. STANYARNE WILSON moved to reconsider the vote whereby the Convention adopted the amendment, and to lay that motion on the table; which was agreed to.

On Mr. Johnstone's motion to lay on the table Mr. Wilson's motion, Mr. BARKER gives as a reason for voting "aye" as follows: "I cannot vote to give to the Legislature the power to enact special laws aimed at particular communities, as advocated by the mover of the amendment."

Mr. SHEPPARD moved to amend by adding to the end of Section 2 the following: "*Provided*, That in no criminal case shall a change of venue be made without the recommendation of the grand jury of the County in which the crime was committed."

After debate by Messrs. Sheppard and Aldrich,

Mr. D. S. HENDERSON moved the following substitute for the proposed amendment:

"*Provided*, however, That no change of venue shall be granted in criminal cases until after a true bill has been found by the grand jury: *And provided, further*, That if a change be ordered, it shall be to a County in the same Judicial Circuit."

After debate by Messrs. D. S. Henderson, Stanyarne Wilson and Barker,

The pending question being the proposed substitute offered by Mr. D. S. Henderson for the amendment proposed to Section 2 by Mr. Sheppard, Mr. Barker having the floor.

At 2 P. M., on motion of Mr. W. D. EVANS, the Convention receded from business until 7:30 P. M. this day.

RECESS.

The President resumed the chair at 7:30 P. M.

LEAVES OF ABSENCE.

Mr. DENNIS asked and obtained indefinite leave of absence for his colleague Mr. Wiggins on account of official business.

Mr. DENNIS asked and obtained leave of absence for his colleague Mr. Morrison until Monday next on account of official business.

UNFINISHED BUSINESS.

Calendar No. 46, report of the Committee on Jurisprudence.

Section 2. The pending question being the substitute proposed by Mr. D. S. Henderson for the amendment proposed by Mr. Sheppard, both printed in the Journal of this morning.

Mr. BARKER resumed the floor, and continued his remarks.

Debate continued by Messrs. Rogers, B. R. Tillman, D. S. Henderson and Stanyarne Wilson,

Mr. STANYARNE WILSON moved to lay the substitute of Mr. D. S. Henderson on the table.

The question being put: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 63; nays, 66.

Those who voted in the affirmative are:

Yeas—Hon. John Gary Evans, President, and Messrs Aldrich, Alexander, Ashe, Austin, Barry, Barton, Bellinger, Bobo, Bowen, Bowman, Bradham, Carver, Connor, Douglass, Dudley, Efird, Estridge, W. D. Evans, Field, Floyd, Gamble, Garris, Gary, Gooding, Graham, Hamel, Harris, Hemphill, Wm. Henderson, Henry, Houser, T. E. Johnson, Wilie Jones, Keitt, Lowman, Lybrand, McCalla, McCown, McDermotte, McKagen, McMakin, McWhite, J. D. Montgomery, Moore, Nicholson, Otts, Parler, Parrott, Rosborough, Rowland, Shuler, Singletary, Sligh, Stokes, Stribling, Taylor, B. R. Tillman, Timmermann, Waters, Watson, Stanyarne Wilson, and Woodward.—63.

Those who voted in the negative are:

Nays—Messrs. Anderson, Atkinson, Barker, Bates, Berry, Breazeale, J. S. Brice, T. W. Brice, Bryan, Buist, Burn, DeHay, Dennis, Derham, Farrow, Fitch, Fraser, Gage, Gilland, J. L. Glenn, Gray, Harrison, Hay, Haynsworth, D. S. Henderson, Howell, Hutson, George Johnstone, Ira B. Jones, Klugh, Lee, McCaslan, McGowan, McMahan, Matthews, Meares, Miller, Mower, Murray, Oliver, Patton, Peake, Prince, Ragsdale, J. H. Read, I. R. Reed, Rogers, Russell, Scarborough, Sheppard, Sloan, A. J. Smith, Jeremiah Smith, R. F. Smith W. C. Smith, Stackhouse, Talbert, G. D. Tillman, Von Kolnitz, Wells, Wharton, A. H. White, S. E. White, Wigg, W. B. Wilson, and Winkler.—66.

The question being put, the Convention adopted the substitute of Mr. D. S. Henderson.

Mr. D. S. HENDERSON moved to reconsider the vote whereby the substitute was adopted and to lay that motion on the table; which was agreed to.

Section 2 was adopted as amended.

Mr. GEORGE JOHNSTONE moved to reconsider the vote whereby the Convention had adopted Section 2 and to lay that motion on the table; which was agreed to.

Mr. PATTON moved to add the following, to be known as Section 7:

No injunction or other civil process shall be issued at the suit of the State for the prevention of an act which by the law of the State constitutes a crime.

After debate by Mr. Patton,

The question being put, the proposed Section was rejected.

Mr. PATTON moved to reconsider the vote whereby the Convention rejected the proposed Section.

Mr. BELLINGER moved to lay that motion on the table.

The question being put: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 47; nays, 63.

Those who voted in the affirmative are:

Yeas—Hon. John Gary Evans, President, and Messrs. Aldrich, Alexander, Ashe, Austin, Barry, Bellinger, Bobo, Bowen, Bowman, Breazeale, Buist, Carver, Douglass, Dudley, Efird, Estridge, Field, Gamble, Gooding, Gray, Hamel, Harris, Harrison, Hemphill, Wm. Henderson, Henry, Houser, T. E. Johnson, Ira B. Jones, Keitt, Lowman, McCalla, McCown, McWhite, J. D. Montgomery, Moore, Parrott, Rowland, Shuler, Sligh, Stokes, Talbert, Taylor, Timmerman, Waters, Stanyarne Wilson, and Woodward.—48.

Those who voted in the negative are:

Nays—Messrs. Atkinson, Barker, Barton, Berry, J. S. Brice, T. W. Brice, Bryan, Burn, DeHay, Dennis, W. D. Evans, Farrow, Fitch, Floyd, Fraser, Gage, Garris, Gary, Gilland, J. L. Glenn, Hay, Haynsworth, D. S. Henderson, Howell, Hutson, George Johnstone, Klugh, McCaslan, McGowan, McKagen, McMahan, McMakin, Meares, Miller, Mower, Murray, Oliver, Otts, Patton, Peake, Prince, Ragsdale, J. H. Read, I. R. Reed, Rogers, Rosborough, Russell, Scarborough, Sheppard, Singletary, Sloan, A. J. Smith, Jeremiah Smith, W. C. Smith, B. R. Tillman, G. D. Tillman, Watson, Wells, Wharton, A. H. White, S. E. White, Wigg, and Winkler.—63.

The pending question being the motion to reconsider the vote whereby the proposed Section 7 was rejected.

On motion of Mr. W. D. EVANS, the Convention, at 10.50 P. M., adjourned until 10 A. M. to-morrow.

FORTY-SECOND DAY.

Friday, November 8, 1895.

The Convention assembled at 10 o'clock A. M.

The Secretary called the roll.

The following delegates answered to their names. Present, 140.

Messrs. Aldrich, Alexander, Anderson, Ashe, Atkinson, Austin, Barker, Barry, Barton, Bates, Bellinger, Berry, Bobo, Bowen, Bowman, Bradham, Breazeale, J. S. Brice, T. W. Brice, Bryan, Buist, Burn, Carver, Connor, Cunningham, DaHay, Dennis, Dent, Derham, Douglass, Doyle, Dudley, Efird, Estridge, W. D. Evans, Farrow, Field, Fitch, Floyd, Fraser, Gage, Gamble, Garris, Gary, Gilland, J. L. Glenn, Gooding, Graham, Gray, Gunter, Hamel, Harris, Harrison, Hay, Haynsworth, Hemphill, D. S. Henderson, Wm. Henderson, Henry, Houser, Howell, Hutson, T. E. Johnson, George Johnstone, Ira B. Jones, Wilie Jones, Keitt, E. J. Kennedy, Klugh, Lee, Lowman, McCalla, McCaslan, McCown, McDermotte, McGowan, McKagen, McMahan, McMakin, McWhite, Matthews, Meares, Miller, Mitchell, J. D. Montgomery, Moore, Murray, Nash, Nathans, Nicholson, Oliver, Otts, Parler, Parrott, Patterson, Patton, Peake, Prince, Ragsdale, J. H. Read, Redfearn, I. R. Reed, Rogers, Rosborough, Rowland, Russell, Scarborough, Sheppard, Shuler, Singletary, Sligh, Sloan, A. J. Smith, Jeremiah Smith, R. F. Smith, W. C. Smith, Smoak, Stackhouse, Stokes, Stribling, Talbert, Taylor, B. R. Tillman, G. D. Tillman, Timmerman, Von Kolnitz, Waters, Watson, Wells, Wharton, A. H. White, S. E. White, Wigg, Stanyarne Wilson, W. B. Wilson, Winkler, and Woodward.

The PRESIDENT took the chair.

A quorum being present, the deliberations were opened with prayer by the Rev. Mr. PARROTT.

The Journal of yesterday's proceedings was read and confirmed.

LEAVES OF ABSENCE.

Indefinite leave was granted to Mr. J. P. Glenn and Mr. Nash; until Monday to Mr. Carver.

Mr. A. H. WHITE asked and obtained indefinite leave of absence for his colleague, Mr. J. S. Brice, on account of sickness.

Mr. W. D. EVANS asked and obtained leave of absence for the day on account of important business as Railroad Commissioner.

RESOLUTIONS.

Mr. BREAZEALE offered the following resolution :

Resolved, That the Secretary be instructed to have one thousand copies of the Journal of Friday, November 1, printed for distribution—each member of this Convention to receive five copies.

On motion of Mr. W. D. EVANS, the resolution was laid on the table.

Mr. BUIST offered the following resolution, which was considered immediately, and agreed to :

Resolved, That the Secretary of this Convention be authorized to purchase stationery for use of this Convention to the sum of fifty dollars in addition to what has already been authorized, if so much is necessary.

Mr. DUDLEY introduced the following Ordinance, which was read the first time, and ordered for consideration to-morrow :

AN ORDINANCE TO PROVIDE FOR AN ALPHABETICAL INDEX AND MARGINAL NOTES TO THE CONSTITUTION AND ORDINANCES OF THE CONSTITUTIONAL CONVENTION OF 1895.

WHEREAS, it is desirable to facilitate and afford easy reference to the provisions of the Constitution of 1895; now,

Be it ordained by the people of the State of South Carolina, in Convention assembled, and by the authority of the same :

Section 1. That the delegates to this Convention select some suitable person or persons to prepare a complete alphabetical index, with marginal notes, to the completed work of the Constitutional Convention, to be printed with and to form a part of this Constitution, and to provide compensation therefor.

REPORT OF STANDING COMMITTEES.

Mr. SLIGH submitted the following report; which was received as information and ordered printed in the Journal only, to be taken up in connection with Calendar No. 10, report of Committee on Legislative Department :

The Committee on Legislative Department, to which was recommitted Section 34 of the Article reported by it, together with the amendments that were adopted thereto, respectfully report that they have carefully considered said Section and said amendments, and respectfully recommend that the Section as originally reported by the Committee be adopted.

Respectfully,

J. A. SLIGH,
Chairman of Committee.

Mr. KEITT, for the Committee on Contingent Accounts and Expenses, submitted the following report; which was considered immediately, agreed to, and the account ordered paid:

The Committee on Contingent Accounts and Expenses, to whom was referred account of Charles A. Calvo, Jr., for printing for $269.33, respectfully report that they have carefully examined the same and find it correct, and recommend that it be paid.

Mr. KEITT, for Committee.

UNFINISHED BUSINESS.

Calendar No. 46, report of Committee on Jurisprudence.

The pending question being the motion to reconsider the vote whereby the Convention rejected Section 7, proposed by Mr. Patton, printed on page 10 of the Journal of yesterday.

The question being put, the Convention agreed to reconsider.

After debate by Messrs. Stanyarne Wilson, Patton, George Johnstone, Breazeale and D. S. Henderson,

Mr. B. R. TILLMAN moved the previous question on the whole matter; which was agreed to.

The following gentlemen spoke in favor of the proposed amendment: Messrs. George D. Tillman, Bryan, and Patton.

The following gentlemen addressed the Convention in opposition to the proposed amendment: Messrs. Watson, B. R. Tillman, Parrott, Talbert, Efird, and Bellinger.

Upon adoption of Section 7, proposed by Mr. Patton,

The question being put: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 37; nays, 95.

Those who voted in the affirmative are:

Yeas—Messrs. Anderson, Barker, Berry, T. W. Brice, Bryan, Dennis, Farrow, Fitch, Fraser, Gage, Gilland, J. L. Glenn, Hutson, George Johnstone, Lee, McGowan, McMahan, Meares, Miller, Oliver,

Patton, Ragsdale, J. H. Read, I. R. Reed, Rogers, Searborough, Sheppard, Sloan, Jeremiah Smith, R. F. Smith, G. D. Tillman, Von-Kolnitz, Wells, A. H. White, S. E. White, Wigg, and W. B. Wilson. —37.

Those who voted in the negative are :

Nays—Honorable John Gary Evans, President, and Messrs. Aldrich, Alexander, Ashe, Atkinson, Austin, Barry, Barton, Bates, Bellinger, Bobo, Bowen, Bowman, Bradham, Breazeale, Buist, Burn, Cantey, Connor, Cunningham, DeHay, Dent, Douglass, Dudley, Efird, Estridge, Field, Floyd, Gamble, Garris, Gary, Gooding, Graham, Gray, Gunter, Hamel, Harris, Harrison, Hay, Haynsworth, Hemphill, D. S. Henderson, William Henderson, Henry, Houser, Howell, T. E. Johnson, Ira B. Jones, Wilie Jones, Keitt, E. J. Kennedy, Klugh, Lowman, Lybrand, McCalla, McCaslan, McCowan, McDermotte, McKagen, McMakin, McWhite, Matthews, J. D. Montgomery, Moore, Mower, Murray, Nicholson, Otts, Parler, Parrott, Patterson, Peake, Prince, Redfearn, Rosborough, Rowland, Russell, Shuler, Singletary, Sligh, A. J. Smith, W. C. Smith, Smoak, Stokes, Stribling, Talbert, Taylor, B. R. Tillman, Timmerman, Waters, Watson, Wharton, Stanyarne Wilson, Winkler, and Woodward.—95.

The Article as amended was read a second time, adopted and ordered engrossed for a third reading to-morrow.

REASON FOR VOTING.

In voting "aye" I am not voting in any spirit of antagonism to the Dispensary system, which I heartily approve.

But I deem it to be a principle dangerous to the future liberties of the people to permit a Court on its Equity side to convict and confine in the Penitentiary a violator of any criminal statute without giving him the immemorial and sacred right of a jury trial.

R. A. MEARES.

On motion of Mr. B. R. TILLMAN, at 2:10 P. M., the Convention receded from business until 7:30 P. M. this day.

RECESS.

The PRESIDENT resumed the chair at 7:30 P. M.

GENERAL ORDERS.

Third Reading.

The following: No. 51. (Substitute.) To provide that the General Assembly may enact such laws as may be necessary to validate and carry into effect subscriptions to the capital stock of certain railroad companies heretofore voted by the County of Chesterfield and by the city of Spartanburg, respectively, and to validate and authorize the issue of bonds in payment of the same,

Was taken up, read the third time, adopted, and ordered referred to the Committee on Order, Style and Revision.

No. 37, report of Committee on Suffrage.

Mr. GAMBLE moves to amend Section 6, line 4, by inserting after the words "wife beating" the words "desertion of wife and children."

Mr. B. R. TILLMAN moved to lay the amendment on the table; which was agreed to.

Mr. WIGG moved to amend line 4, by adding after the word "bigamy" the word "lynching."

On motion of Mr. PATTON, the motion was laid on the table.

Mr. MOORE moved to amend Section 4, line 3, by striking out "four" and inserting "twelve."

On motion of Mr. B. R. TILLMAN, the proposed amendment was laid on the table.

Mr. TALBERT moved to amend Section 4 by striking out all after the word "registered," line 21, down to and including the word "more," on line 24.

On motion of Mr. B. R. TILLMAN, the proposed amendment was laid on the table.

Mr. B. R. TILLMAN moved to amend Section 4 (*a*), lines 2 and 3 by striking out the words "election district" and inserting the words "polling precincts;" which was agreed to.

Also, to amend Section 8 by inserting at the end of the same the words "The registration books shall be public records open to the inspection of any citizen at all times;" which was agreed to.

Also to amend Section 11 by striking out all after the word "legal" on line 2 and adding the following: *Provided,* Persons who will become of age during that period shall be entitled to registration before the books are closed;" which was agreed to.

Also to amend Section 12, line 1, by striking out the word "all;" which was agreed to.

Mr. D. S. HENDERSON moved to amend by striking out, on line 2, same Section, the words "all of;" which was agreed to.

Mr. HAMEL moved to amend Section 4 by striking out on line 10 the words "eighteen hundred and ninety-eight" and inserting in lieu thereof the words "nineteen hundred."

On motion of Mr. B. R. TILLMAN, the proposed amendment was laid on the table.

Also, to amend line 22 by striking out all after the word "Constitution."

On motion of Mr. B. R. TILLMAN, the proposed amendment was laid on the table.

Mr. PARLER moved to amend Section 4, line 15, by inserting after the word "Court" the words "and by him recorded in a book kept by him for that purpose."

On motion of Mr. MOORE, the proposed amendment was laid on the table.

Mr. DUDLEY offered the following as a substitute for Section 4:

Section 4. The qualifications for suffrage shall be as follows:

(a.) Continuous residence next preceding any election in which the elector offers to vote, in the State two years, in the election precinct one year, and payment of all legally assessed taxes, including poll tax, by those liable to taxation, next prior to such election: *Provided, however,* That ministers in charge of an organized church and teachers of public schools shall be entitled to vote after six months residence in the State and in the election precinct, if otherwise qualified.

(b.) Registration which shall provide for the enrollment of every elector once in ten years, and also an enrollment during each and every year of every elector not previously registered under the provisions of this Article.

(c.) The Australian ballot system or some modification thereof shall be provided by the General Assembly.

(d.) Managers of Election shall require of every elector offering to vote at any election, before allowing him to vote, proof of the payment of all taxes, including poll tax, assessed against him and collectible for the previous year.

(e.) The General Assembly shall provide for the issuing to each duly registered elector a certificate of registration, and shall provide for the renewal of such certificate when lost, mutilated or destroyed, if the applicant is still a qualified elector under the provisions of this Constitution.

(f.) Every female citizen of this State and of the United States twenty-one years of age, not laboring under any of the disabilities named in this Constitution for males, who has acquired like residence as above, and who is or may become possessed of taxable property of not less than two hundred ($200) dollars, and has paid all legal taxes thereon next before any election, shall have the right to vote, in such manner as may be prescribed by the General Assembly.

On motion of Mr. B. R. TILLMAN, the proposed substitute was laid on the table.

Mr. PRINCE moved to amend Section 12, line 4, by striking out the word "offers" and inserting the word "desires;" which was agreed to.

Also, to amend line 5 by striking out the word "voting," and inserting the words "obtaining a certificate of registration for municipal elections;" which was agreed to.

Also, to add to the end of the Section the words, "The General Assembly shall provide for the registration of all voters before each election in municipalities;" which was agreed to.

Mr. LEE moved to amend by adding to Section 12 as follows: "*Provided*, That nothing herein contained shall apply to any municipal elections which may be held prior to the general election of 1896;" which was agreed to.

Mr. DUDLEY moved to amend Section 13, line 7, by striking out the word "majority," and inserting the words "two-thirds."

On motion of Mr. PRINCE, the proposed amendment was laid on the table.

Mr. B. R. TILLMAN moved to amend Section 12, line 7, by striking out the word "previously," and inserting after the word "collectible" the words "for the preceding fiscal year;" which was agreed to.

Mr. PRINCE moved to amend Section 13 by inserting the word "municipal," between the words "all" and "taxes," on line 6, and to strike out the words "State, County and municipal" on line 7.

On motion of Mr. EFIRD, the proposed amendments were laid on the table.

Mr. B. R. TILLMAN moved to amend Section 4, subdivision *c*, line 11, by inserting after the word "Constitution" the words "submitted to them by the registration officer," which was agreed to.

Mr. B. R. TILLMAN moved to amend by adding to Section 1 the following: "Each of the two political parties casting the highest number of votes at the preceding election shall have representation on the Board of Managers of Election at each polling precinct and on the Board of County Canvassers in each County."

Mr. B. R. TILLMAN moved the previous question on the whole matter, which was agreed to.

The following gentlemen spoke in favor of the proposed amendment: Messrs. B. R. Tillman, Bellinger, Bradham, Haynsworth, Garris, McGowan, and Sheppard.

The following gentlemen spoke in opposition to the amendment: Messrs. Parrott, W. C. Smith, W. D. Evans, Floyd, McWhite, Buist, McCalla, Fitch, Ira B. Jones, Howell, Rogers, and Wm. Henderson.

The question being put upon the amendment proposed by Mr. B. R. Tillman, for the Committee, "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 51; nays, 74.

Those who voted in the affirmative are:

Yeas—Messrs. Anderson, Barker, Bates, Bellinger, Berry, Bradham, T. W. Brice, Bryan, Cantey, Dudley, Farrow, Fraser, Gage, Garris, J. L. Glenn, Harris, Haynsworth, D. S. Henderson, Henry, Hutson, George Johnstone, J. W. Kennedy, Klugh, Lee, McGowan, Miller, Mitchell, Mower, Oliver, Otts, Patterson, Patton, Peake, Prince, Ragsdale, J. H. Read, I. R. Reed, Rowland, Sheppard, Sloan, R. F. Smith, Stribling, Sullivan, B. R. Tillman, G. D. Tillman, Timmerman, Von Kolnitz, Wells, A. H. White, S. E. White, and Wigg.—51.

Those who voted in the negative are:

Nays—Hon. John Gary Evans, President, and Messrs. Alexander, Ashe, Atkinson, Austin, Barry, Barton, Bobo, Bowen, Bowman, Breazeale, Buist, Burn, Connor, Cunningham, DeHay, Dennis, Derham, Efird, Estridge. W. D. Evans, Field, Fitch, Floyd, Gamble, Gary, Gooding, Graham, Gray, Gunter, Hamel, Harrison, Hay, Hemphill, William Henderson, Houser, Howell, T. E. Johnson, Ira B. Jones, Wilie Jones, Keitt, E. J. Kennedy, Lowman, McCalla, McCaslan, McCown, McDermotte, McKagen, McMahan, McMakin, McWhite, Matthews, Moore, Murray, Parrott, Perritte, Rogers, Rosborough, Russell, Shuler, Singletary, Sligh, A. J. Smith, W. C. Smith, Smoak, Stackhouse, Stokes. Talbert, Taylor, Waters, Watson, Wharton, Winkler, and Woodward.—74.

Mr. PARLER stated that he was paired with Mr. Jeremiah Smith, otherwise he would vote "no."

Mr. W. D. EVANS moved to reconsider the vote whereby the Convention rejected the proposed amendment and to lay that motion on the table; which was agreed to.

The question being put: "Shall this Article be adopted and ordered to the Committee on Style and Revision,"

"Will the Convention agree thereto?" is was decided in the affirmative.

The yeas and nays were requested, and are as follows:

Yeas, 77; nays, 41.

Those who voted in the affirmative are :

Yeas—Honorable John Gary Evans, President, and Messrs. Alexander, Ashe, Atkinson, Barry, Barton, Bellinger, Bowen, Bowman, Bradham, Breazeale, T. W. Brice, Bryan, Buist, Burn, Cantey, Connor, Cunningham, Efird, Estridge, Farrow, Field, Fitch, Fraser, Gage, Garris, Gary, J. L. Glenn, Gooding, Graham, Gunter, Hamel, Harris, Harrison, Hay, Haynsworth, D. S. Henderson, Houser, Howell, Hutson, George Johnstone, Ira B. Jones, Keitt, E. J. Kennedy, J. W. Kennedy, Klugh, Lee, Lowman, McCalla, McCaslan, McGowan, McKagan, McWhite, Matthews, Mitchell, Mower, Oliver, Otts, Parler, Peake, Prince, Ragsdale, Rowland, Russell, Singletary, Sligh, Smoak, Stackhouse, Stokes, Stribling, Sullivan, Talbert, B. R. Tillman, Waters, Watson, Wells, A. H. White, S. E. White, and Woodward.—77.

Those who voted in the negative are :

Nays—Messrs. Anderson, Austin, Barker, Bates, Bobo, Burn, DeHay, Dennis, Derham, Dudley, W. D. Evans, Floyd, Gamble, Gray, Hemphill, William Henderson, Henry, T. E. Johnson, McCown, McDermotte, McMahan, McMakin, Miller, Moore, Murray, Patton, J. H. Read, I. R. Reed, Rogers, Rosborough, Sheppard, Shuler, A. J. Smith, R. F. Smith, W. C. Smith, Taylor, G D. Tillman, Timmerman, Wharton, Wigg, and Winkler.—41.

Mr. VON KOLNITZ was paired with Mr. Jervey, otherwise he would have voted "yea."

REASONS GIVEN FOR VOTING ON THE FINAL ADOPTION OF THE ARTICLE.

I voted "no" on the Article on right of suffrage, for these reasons:

1. It places the eligibility of electors within the arbitary will, possibly of a partisan, and requires qualifications of electors, if fairly applied, which will exclude a large number of worthy men, who will be deprived of the privilege enjoyed in the past from no fault of their own.

2. And for the further reason: White supremacy may be secured without resorting to the perhaps questionable means adopted by the Convention.

T. E. DUDLEY.

I voted "no" on the adoption of this section of the Constitution because I am opposed to the educational and property qualifications.

McDERMOTTE.

I voted "aye" on the adoption of the report of the Committee on Suffrage, but still entertain the same objections presented by me on page 13 of the Journal of the thirty-eighth day.

J. W. HAMEL.

I vote "no" on the amendment because the provision could not be complied with in some instances in Horry County, and we need no constitutional provision to make us count all votes cast.

DERHAM.

I vote "no" on the final passage of this Article for the reason that I am opposed to the property qualification.

W. D. EVANS.

After offering every opposition in my power to the property qualification, and having failed to strike out that provision in the report of the Committee on Suffrage, I feel constrained to vote for the adoption of the plan in obedience to the majority vote of the Democratic members of the Convention.

W. J. TALBERT.

I cannot vote for the Article on Right of Suffrage for the following reasons: First, because the Article requires an educational and property qualification for voting.

Second, because the educational qualification prescribed discriminates in favor of one class and against another class of citizens.

Third, because the Reform faction, which dominates this Convention, and of which faction I am a member, is pledged "not to disfranchise any white man except for crime."

Fourth, because the Article subjects this Convention to the charge of conspiracy to defraud a certain class of American citizens in the exercise of the elective franchise, and I greatly fear this charge may be sustained in the United States Supreme Court.

Fifth, because if this charge be sustained by the State or Federal Court, at least fifteen thousand illiterate white men registered under the understanding clause of the Article will be disfranchised.

J. W. GRAY.

T. E. Johnson votes "no" because of his pledges that he would oppose an educational or property qualification for suffrage.

LEAVES OF ABSENCE

Were granted the following gentlemen: Until Monday to Messrs. Houser, Meares, Keitt and McCalla; and indefinite leave to Mr. Jeremiah Smith.

Mr. AUSTIN moved to recur to the morning hour; which was agreed to.

REPORT OF STANDING COMMITTEE.

Mr. AUSTIN, for the Committee on Counties and County Government, submitted the following report, which was read the first time, and ordered for consideration to-morrow:

The Committee on Counties and County Government, to whom was referred a petition from certain persons of Charleston and Berkeley Counties petitioning for the formation of a new judicial and election County to

be known as Seabrook County, and also a petition from the said Counties in opposition to the formation to the said Seabrook County, would respectfully report that they have given the two petitions due and careful consideration and have heard arguments *pro* and *con* from respective representatives, and find much merit and just claim in the petition in those praying for the formation of the said Seabrook County, and would respectfully recommend the passage of the following ordinance that they may get the relief prayed for in their petition before the Legislature.

J. THOMAS AUSTIN, Chairman.

AN ORDINANCE TO RELIEVE THE CONTEMPLATED NEW COUNTY OF SEABROOK FROM THE PROVISIONS OF THIS CONSTITUTION.

Be it ordained by the people of South Carolina, in regular convention assembled, That nothing in the Constitution ordained and established by the people of the State of South Carolina, now in regular convention assembled, shall inhibit the General Assembly from organizing a new County from portions of Charleston and Berkeley Counties, as will more fully appear by a map now on file in the office of Secretary of State made by Henry Morrison, said new County to be known as Seabrook County, with its County seat at Mount Pleasant.

On motion of Mr. McDERMOTTE, the Convention, at 11:45 o'clock, adjourned until 10 A. M. to-morrow.

FORTY-THIRD DAY.

Saturday, November 9, 1895.

The Convention assembled at 10 o'clock A. M.

The Secretary called the roll. Present—138.

The following delegates answered to their names :

Hon. John Gary Evans, President, and Messrs. Aldrich, Alexander, Anderson, Ashe, Atkinson, Austin, Barker, Barry, Barton, Bates, Bellinger, Berry, Bobo, Bowen, Bowman, Bradham, Breazeale, T. W. Brice, Bryan, Buist, Burn, Cantey, Connor, Cooper, Cunningham, DeHay, Dennis, Dent, Derham, Douglass, Doyle, Dudley,

Efird, Estridge, W. D. Evans, Farrow, Field, Fitch, Floyd, Fraser, Gage, Gamble, Garris, Gary, Gilland, J. L. Glenn, Gooding, Graham, Gray, Gunter, Hamel, Harris, Harrison, Hay, Haynsworth, Hemphill, D. S. Henderson, Wm. Henderson, Henry, Houser, Howell, Hutson, T. E Johnson, George Johnstone, Ira B. Jones, Wilie Jones, Keitt, E. J. Kennedy, J. W. Kennedy, Klugh, Lee, Lowman, Lybrand, McCalla, McCaslan, McCown, McDermotte, McGowan, McKagen, McMahan, McMakin, McWhite, Matthews, Miller, Mitchell, J. D. Montgomery, Moore, Mower, Murray, Nicholson, Oliver, Otts, Parler, Parrott, Patterson, Patton, Peake, Perritte, Prince, Ragsdale, J. H. Read, Redfearn, I. R. Reed, Rogers, Rosborough, Rowland, Russell, Scarborough, Sheppard, Shuler, Singletary, Sligh, Sloan, A. J. Smith, R. F. Smith, W. C. Smith, Smoak, Stackhouse, Stokes, Stribling, Sullivan, Talbert, Taylor, B. R. Tillman, G. D. Tillman, Timmerman, Von Kolnitz, Waters, Watson, Wells, Wharton, A. H. White, S. E. White, Wigg, Stanyarne Wilson, Winkler, and Woodward.

The PRESIDENT took the chair.

A quorum being present, the deliberations were opened with prayer by the Rev. Mr. PARROTT.

The Journal of yesterday's proceedings was read and confirmed.

LEAVE OF ABSENCE

Was granted the following delegates: Until the 18th, to Messrs. Miller, Barker and Aldrich; until Tuesday to Messrs. Bradham, Sheppard, J. D. Montgomery, Klugh and Sligh.

REPORT OF STANDING COMMITTEE.

Mr. McCOWN submitted the following:

The Committee on Engrossed Resolutions and Ordinances, to whom was referred an Article relating to jurisprudence, beg leave to report that the same has been correctly engrossed and revised.

R. M. McCOWN, for Committee.

UNFINISHED BUSINESS.

No. 10, report of Committee on Legislative Department, on motion of Mr. SLIGH, was passed to be taken up on Tuesday next at 7:30 P. M., and from day to day until disposed of.

GENERAL ORDERS.

Third Reading.

No. 46, report of Committee on Jurisprudence.

Mr. SHEPPARD offered the following as a substitute for Section 5 :

The General Assembly shall make provision to compile, digest and arrange under proper heads the body of our laws, civil and criminal, and form a penal code, and have the same promulgated in such manner as they may direct. A like compilation, digest and promulgation shall be made every ten years.

After debate by Messrs. Sheppard, Hutson, Bellinger, McWhite, Bryan and Lee,

Mr. B. R. TILLMAN moved that at 1:45 P. M., if the subject be not sooner disposed of, a vote be taken on Section 5 ; which was agreed to.

The question being put on Mr. Sheppard's proposed amendment, it was rejected.

Mr. STRIBLING offered the following : Amend Section 5, line 16, by inserting between the words "the" and "session" the word "first ;" which was agreed to.

Also, same Section, line 17, by striking out the words "within less than ten days thereafter" and inserting the words "until the next session of the said General Assembly ;" which was agreed to.

Mr. BELLINGER moved to amend line 2, after the word "appointment," by inserting the words "or elections ;" which was agreed to.

Also, line 3, by striking out the word "civil ;" which was agreed to.

Also, line 6, by striking out the words "or Commissioners ;" which was agreed to.

Also, line 6, by striking out the word "civil ;" which was agreed to.

Also, line 12, by striking out all after the word "proper," down to and including the word "State" on line 14 ;" which was agreed to.

Mr. EFIRD moved to amend line 17 by striking out all after the word "thereafter" down to and including the word "adopted" on line 21, and inserting the following : "The said codes shall be declared by the General Assembly in an Act passed according to the forms of this Constitution for the enactment of laws, to be the only general statutory law of the State ;" which was agreed to.

Mr. SHEPPARD moved to strike out Section 5.

On motion of Mr. BELLINGER, the motion was laid on the table.

Mr. IRA B. JONES moved to amend line 22 by inserting after the word "except" the words "by Bill passed;" which was agreed to.

Mr. BELLINGER moved to amend line 2 by striking out the words "one or more Commissioners" and by inserting the words "a Commissioner;" which was agreed to.

Mr. EFIRD moved to amend line 9 by striking out "or their;" which was agreed to.

Mr. BELLINGER moved to amend line 24 by striking out the word "Commissioners" and inserting the word "Commissioner;" which was agreed to.

Also, to amend line 24 by inserting after the word "Commissioner" the words "not exceeding five hundred dollars per annum."

Mr. PATTERSON moved to lay the proposed amendment on the table.

The question being put, the Convention refused to lay the amendment on the table.

The amendment was then adopted.

Mr. BELLINGER moved to amend line 26 by striking out the word "their" and inserting the word "his;" which was agreed to.

The Section was then adopted as amended.

Mr. BELLINGER moved to reconsider the vote whereby the Section as amended was adopted, and to lay that motion on the table; which was agreed to.

Section 6. Mr. ROGERS moved to strike out Section 6.

After debate by Messrs. Rogers, Prince, D. S. Henderson, J. L. Glenn and Bradham,

Mr. D. S. HENDERSON moved to lay the motion to strike out on the table; which was agreed to.

Mr. D. S. HENDERSON moved to amend as follows: By striking out on line 2 the words "either by force or strategy" and inserting the words "through his negligence, permission or connivance."

After debate by Messrs. B. R. Tillman, Bradham, Lee, D. S. Henderson, George Johnstone and Bellinger,

Mr. W. D. EVANS moved that when this Convention adjourn it stand adjourned until 11:30 A. M. Monday next; which was agreed to.

Mr. LEE moved to amend the amendment by inserting the word "gross" before the word "negligence."

On motion of Mr. D. S. HENDERSON, the motion was laid on the table.

The amendment of Mr. D. S. Henderson was adopted.

Mr. STANYARNE WILSON moved to amend by adding after the word "elect" the words "in the same Circuit;" which was agreed to.

Also, to strike out the word "District" and insert the word "Circuit;" which was agreed to.

Mr. GEORGE JOHNSTONE moved to amend as follows: Strike out all of the following words: "who shall be tried in such County, other than the one in which the offense was committed, as the Attorney General may elect."

Mr. BUIST moved to lay the amendment on the table.

The question being put: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 50; nays, 50.

Those who voted in the affirmative are:

Yeas—Hon. John Gary Evans, President, and Messrs. Alexander, Ashe, Atkinson, Austin, Bellinger, Berry, Bobo, Bowen, Breazeale, Buist, Cantey, Cunningham, DeHay, Douglass, Doyle, Dudley, Estridge, Gage, Gamble, Garris, Gary, Gray, Gunter, Hamel, Harris, Hemphill, Henry, T. E. Johnson, J. W. Kennedy, Klugh, Lowman, McCown, McMahan, McWhite, Murray, Nicholson, Patterson, I. R. Reed, Singletary, Smoak, Stokes, Stribling, Sullivan, Taylor, B. R. Tillman, Waters, Wigg, Stanyarne Wilson, and Woodward.—50.

Those who voted in the negative are:

Nays—Messrs. Aldrich, Anderson, Barker, Bowman, T. W. Brice, Bryan, Burn, Dennis, Farrow, Field, Fitch, Fraser, J. L. Glenn, Gooding, Harrison, Hay, Haynsworth, Wm. Henderson, George Johnstone, Ira B. Jones, E. J. Kennedy, Lee, McCaslan, McGowan, McKagen, McMakin, Mitchell, J. D. Montgomery, Mower, Oliver, Otts, Patton, Perritte, Prince, J. H. Read, Rogers, Russell, Sheppard, Shuler, A. J. Smith, R. F. Smith, Stackhouse, G. D. Tillman, Timmerman, Von Kolnitz, Wells, Wharton, A. H. White, S. E. White, and Winkler.—50.

Mr. WILIE JONES submitted the following account, which was read the first time and referred to the Committee on Contingent Account and Expenses:

COLUMBIA, S. C., Oct. 28th, 1895.

Mr. S. W. VANCE, Secretary Constitutional Convention,

To W. J. DUFFIE, *Dr.*

Oct. 28—To 1 box paper fasteners, No. 1, 15c.; No. 2, 20c.; No. 3, 25c.; No. 4, 40c..... $1 00

COLUMBIA, S. C., Nov. 9th, 1895.

Mr. S. W. VANCE, Secretary Constitutional Convention,

To W. J. DUFFIE, *Dr.*

Nov. 9—To 2 gross caligraphic pencils, $3..... $6 00

The pending question being the proposed amendment of Mr. George Johnstone,

On motion of Mr. PATTERSON, the Convention, at 2:30 P. M., adjourned until 11:30 A. M. Monday next.

FORTY-FOURTH DAY.

Monday, November 11, 1895.

The Convention assembled at 11:30 o'clock A. M.

The Secretary called the roll—present, 125.

The following delegates answered to their names:

Hon. John Gary Evans, President, and Messrs. Alexander, Anderson, Ashe, Atkinson, Austin, Barry, Barton, Bates, Bellinger, Berry, Bobo, Bowen, Bowman, Breazeale, J. S. Brice, T. W. Brice, Bryan, Buist, Burn, Cantey, Clayton, Connor, Cunningham, DeHay, Dennis, Dent, Derham, Douglass, Doyle, Dudley, Ellerbe, Estridge, W. D. Evans, Farrow, Field, Fitch, Floyd, Fraser, Gage, Gamble, Garris, Gary, Gilland, J. L. Glenn, Gooding, Graham. Gray, Gunter, Hamel, Harris, Harrison, Hay, Haynsworth, Hemphill, D. S. Henderson, Wm. Henderson, Henry, Houser, Howell, T. E. Johnson, George Johnstone, Ira B. Jones, Wilie Jones, E. J. Kennedy, J. W. Kennedy, Lee, Lowman, McCalla, McCaslan, McCown, McDermotte, McGowan, McKagen, McMahan, McMakin, McWhite, Matthews, Mitchell, J. D. Montgomery, W. J. Montgomery, Moore, Mower, Murray, Nathans, Nicholson, Oliver, Otts, Parler, Parrott, Patterson, Patton, Peake, Perritte, Prince, J. H. Read, Redfearn, I. R. Reed, Rogers, Rosborough, Rowland, Russell, Scarborough, Shuler, Singletary, Sligh, Sloan, A. J. Smith, Jeremiah Smith, R. F. Smith, W. C. Smith, Smoak, Stokes, Stribling, Sullivan, Talbert, Taylor, B. R. Tillman, G. D. Tillman, Timmerman, Von Kolnitz, Waters, Watson, Wells, Wharton, A. H. White, Wigg, Stanyarne Wilson, W. B. Wilson, Winkler and Woodward.

The PRESIDENT took the chair.

A quorum being present, the deliberations were opened with prayer by the Rev. Mr. ABNEY.

The Journal of yesterday's proceedings was read and confirmed.

LEAVES OF ABSENCE.

Mr. FRASER asked and obtained leave of absence until Tuesday evening.

Messrs. Von Kolnitz, Fitch and Oliver were granted leave of absence until 11 A. M. on Monday next.

Messrs. Bellinger and Wigg were granted indefinite leave of absence on account of important business.

I was present Thursday, November 7, but failed to answer to my name. R. F. SMITH.

Mr. Perritt was present just after roll call on Friday, November 8, and asks to be recorded as present.

Also, to be excused on account of sickness for his absence on Tuesday, Wednesday and Thursday, November 5, 6 and 7.

RESOLUTIONS.

Mr. GARY offered the following resolution :

Be it resolved by the Constitutional Convention, now assembled, That hereafter the speeches of delegates shall be limited to ten (10) minutes: *Provided, however,* That the Convention may extend the time whenever it may deem it proper to do so.

Mr. B. R. TILLMAN offered the following as a substitute for the above, which was adopted :

Resolved, That the Committee on Rules be instructed to consider and report Wednesday morning the day for final adjournment of this Convention ; and that it be authorized to arrange a schedule of work for the Convention, fixing limits for debate, length of speeches and time of voting on the various Articles and matters yet to be considered and acted on.

Mr. McGOWAN offered the following resolution :

Resolved, 1st. That all leaves of absence heretofore granted be, and the same are hereby, revoked.

2nd. That the Sergeant-at-Arms be, and is hereby, instructed to notify all absentees to report immediately to this Convention under penalties to be imposed by this body.

3rd. That no leave of absence be hereafter granted except in cases of sickness.

Mr. HAYNSWORTH moved to lay the resolution on the table; which was agreed to.

UNFINISHED BUSINESS.

Calendar No. 46, report of the Committee on Jurisprudence.

The pending question being the proposed amendment to Section 6 of Mr. George Johnstone, printed in the Journal of November 9th, page 4.

Mr. GEORGE JOHNSTONE asked and obtained permission to withdraw the proposed amendment.

Mr. BELLINGER offered the following as a substitute for Section 6:

Section 6. In the case of any prisoner in the lawful custody or under the control of any Sheriff being taken away by any mob, or other unlawful assemblage of persons, and suffering bodily injury or death at their hands, the said Sheriff shall be proceeded against by impeachment at the next session of the General Assembly, as provided in this Constitution in the case of executive and judicial officers. And it shall be the duty of the Solicitor of the Circuit, or other prosecuting attorney, and of the Attorney General, to present to the General Assembly such *ex parte* affidavits as they may be able to obtain tending to sustain the impeachment. The official bond of the Sheriff shall be liable in a sum of not less than two thousand dollars as a penalty, payable to the person so injured, or, in case of death resulting from violence received as aforesaid, to the legal representative of said person, the same to be recovered by suit in any Court of competent jurisdiction: *Provided*, That nothing herein contained shall be construed as relieving the Sheriff of any criminal liability at common law or under the statute.

Mr. GARY moved to lay the substitute of Mr. Bellinger on the table.

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows:

Yeas, 89; nays, 22.

Those who voted in the affirmative are:

Yeas—Messrs. Alexander, Ashe, Austin, Barry, Barton, Bobo, Bowen, Bowman, Cantey, Clayton, Connor, DeHay, Dennis, Dent,

Doyle, Dudley, Ellerbe, Estridge, W. D. Evans, Farrow, Field, Fitch, Floyd, Gamble, Garris, Gary, Gilland, Gooding, Graham, Gray, Gunter, Hamel, Harris, Harrison, Hay, Haynsworth, Hemphill, William Henderson, Houser, Howell, T. E. Johnson, Ira B. Jones, Wilie Jones, J. W. Kennedy, Lee, Lowman, McCaslan, McDermotte, McGowan, McKagen, McMakin, McWhite, Matthews, W. J. Montgomery, Moore, Murray, Nathans, Nicholson, Oliver, Parler, Patton, Peake, Perritte, Prince, J. H. Read, Redfearn, Rogers, Rosborough, Rowland, Russell, Scarborough, Shuler, Singletary, Sloan, A. J. Smith, R. F. Smith, Smoak, Stribling, Sullivan, Taylor, B. R. Tillman, Waters, Watson, Wells, Wharton, A. H. White, Stanyarne Wilson, Winkler, and Woodward.—89.

Those who voted in the negative are :

Nays—Hon. John Gary Evans, President, and Messrs. Atkinson, Bates, Bellinger, Berry, Burn, Douglass, Fraser, Gage, J. L. Glenn, George Johnstone, E. J. Kennedy, McCown, McMahan, Mitchell, Otts, Parrott, Patterson, I. R. Reed, W. C. Smith, Stokes, and G. D. Tillman.—22.

Mr. B. R. TILLMAN offered the following amendment to be added to the end of Section 6 :

Provided, also, In all cases of lynching the County where such lynching takes place shall, without regard to the conduct of the officer, be liable in exemplary damages of not less than $1,000 to the person so injured or to his legal representatives if killed.

Mr. GRAY moved to amend by striking out "one" and inserting the word "two."

Mr. TILLMAN accepted the amendment.

Mr PATTERSON moved to strike out the word "two" and insert the word "one."

Mr. OTTS moved to lay the amendment to the amendment on the table.

The question being put, the Convention refused to lay the amendment to the amendment on the table.

After debate by Messrs. George Johnstone, Patterson, Prince, W. D. Evans and Stanyarne Wilson,

The question being put on Mr. Patterson's amendment : "Will the Convention agree thereto ?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows :

Yeas, 65 ; nays, 48.

Those who voted in the affirmative are :

Yeas—Messrs. Alexander, Ashe, Austin, Barry, Barton, Bates, Bobo, Bowen, Bowman, Cantey, Connor, DeHay, Dennis, Dent,

Douglass, Doyle, Dudley, Estridge, W. D. Evans, Field, Gamble, Garris, Gilland, J. L. Glenn, Gooding, Graham, Gunter, Hamel, Harris, Harrison, Haynsworth, Wm. Henderson, Houser, Ira B. Jones, E. J. Kennedy, J. W. Kennedy, Lowman, McCown, McMakin, McWhite, Matthews, Mitchell, Moore, Murray, Parrott, Patterson, Perritte, Prince, J. H. Read, Rogers, Rosborough, Rowland, Shuler, Singletary, A. J. Smith, R. F. Smith, W. C. Smith, Smoak, Stokes, Stribling, Waters, Wharton, Stanyarne Wilson, Winkler, and Woodward.—65.

Those who voted in the negative are :

Nays—Hon. John Gary Evans, President, and Messrs. Atkinson, Bellinger, Berry, Breazeale, Burn, Clayton, Farrow, Fitch, Floyd, Fraser, Gage, Gary, Gray, Hay, Hemphill, Henry, Howell, T. E. Johnson, George Johnstone, Wilie Jones, Lee, McCaslan, McDermotte. McGowan, McKagen, McMahan, W. J. Montgomery, Nathans, Nicholson, Oliver, Otts, Parler, Patton, Peake, Redfearn, I. R. Reed, Russell, Scarborough, Sloan, Sullivan, Taylor, B. R. Tillman, G. D. Tillman, Timmerman, Watson, Wells, and A. H. White.—48.

REASON FOR VOTING.

Every murderer should be held personally responsible for his acts ; therefore I vote "yea."

H. M. BARTON.

Mr. BELLINGER moved to amend Mr. B. R. Tillman's amendment by inserting the words, "in cases of lynching the County shall."

On motion of Mr. ROGERS, further debate on the Section was adjourned over until Monday next.

Mr. B. R. TILLMAN moved that Section 6, as amended, be printed in the Journal. Also, that all proposed amendments be printed in the Journal ; which was agreed to.

The pending question being the proposed amendment of Mr. B. R. Tillman.

SECTION 6 AS IT NOW STANDS.

Section 6. In the case of any prisoner lawfully in the charge, custody or control of any officer, State, County or municipal, being seized and taken from said officer, through negligence, permission or connivance, by a mob or other unlawful assemblage of persons, and at their hands suffering bodily violence or death, the said officer shall be deemed guilty of a misdemeanor, and upon true bill found shall be deposed from his office pending his trial, and upon his conviction shall forfeit his office, and shall, unless pardoned by the Governor, henceforth be ineligible to hold any office of trust or

profit within this State. It shall be the duty of the prosecuting attorney within whose Circuit or County the offense may be committed to forthwith institute a prosecution against said officer, who shall be indicted and tried in such County, other than the one in which the offense was committed, as the Attorney General may elect, in the same Circuit. The fees and mileage of all material witnesses, both for the State and for the defense, shall be paid by the State Treasurer, in such manner as may be provided by law."

PROPOSED AMENDMENT OF MR. GEORGE JOHNSTONE.

Strike out the words, "who shall be indicted and tried in such County, other than the one in which the offense was committed, as the Attorney General may elect, in the same Circuit."

GENERAL ORDERS.

Mr. GRAY moved to take up out of its order

No. 52, an ordinance relating to subscriptions by Greenville County to certain railroads; which was agreed to.

Mr. AUSTIN moved to amend as follows:

Provided, The said railroad company shall comply with all the conditions upon which said bonds were originally voted: *And provided, further*, That the qualified electors of said County shall reaffirm the grant of authority to issue said bonds at an election called for the purpose within such time as the General Assembly may prescribe.

Which was agreed to.

The ordinance as amended was read a second time and ordered engrossed for a third reading to-morrow.

Calendar No. 60, an ordinance to relieve the contemplated new County of Seabrook from the provision of this Constitution, was taken up.

Mr. AUSTIN asked and obtained permission to withdraw the ordinance from the files of the Convention.

Calendar No. 40, minority report of the Committee on Education (Messrs. Watson and Houser), on motion of Mr. WATSON, was withdrawn from the files of the Convention.

Calendar No. 39, minority report of Committee on Education (Mr. E. J. Kennedy);

Calendar No. 41, report of Committee on Education (Mr. Mitchell for Committee);

On motion of Mr. WATSON, were made special orders for Wednesday next at 10 A. M. and from day to day until disposed of.

Calendar No. 30, report of Committee on Corporations (Mr. Bellinger for Committee).

Section 1 was adopted as reported by the Committee.

Section 2. Mr. VON KOLNITZ moved to amend line 3, after the the word "State," by inserting the words "or may be provided for in this Constitution;" which was agreed to.

The Section as amended was adopted.

Section 3. Mr. HAYNSWORTH moved to amend line 3 by striking out the words "and telephone;" which was agreed to.

Mr. STOKES moved to amend line 3 by inserting after the word "companies" the words "and other transmitting companies;" which was agreed to.

Mr. B. R. TILLMAN moved to amend line 4 by inserting after the word "liability" the words "and taxation;" which was agreed to.

The Section as amended was adopted.

Section 4. Mr. GEORGE JOHNSTONE moved to amend line 2 by striking out the words "corporation organized or doing business in this State," and insert the same words on line 1 after the word "every;" which was agreed to.

Mr. HAYNSWORTH moved to amend lines 4 and 5 by striking out the words "where transfers of stock shall be made, and in which shall be kept," and insert in lieu thereof the words "and in case of insurance and guaranty companies there shall be kept therein."

The pending question being the proposed amendment of Mr. Haynsworth,

On motion of Mr. STANYARNE WILSON, the Convention at 2 P. M. receded from business until 5:30 P. M. this day.

RECESS.

The PRESIDENT resumed the chair at 5:30 P. M.

LEAVES OF ABSENCE.

Indefinite leave was granted to Mr. Meares on account of sickness, and to Mr. Hutson until Wednesday.

No. 30, report of the Committee on Corporations.

Section 4. The pending question being the proposed amendment of Mr. Haynsworth.

After debate by Messrs. Haynsworth, W. B. Wilson, J. L. Glenn,

Mr. HAYNSWORTH moved to amend Section 4 by striking out all after the word "business."

Mr. HAYNSWORTH asked and obtained permission to withdraw his proposed amendment, printed in the Journal of this morning.

On motion of Mr. STOKES, further debate was adjourned on the Section until 10 A. M. to-morrow.

Mr. STOKES moved to reconsider the vote whereby Section 3 was adopted as amended; which was agreed to.

Mr. STOKES moved the following as a substitute for Section 3:

Section 3. All railroads and roadways, canals and other waterways, used in whole or in part by corporations for the transportation of persons or freight for hire are public highways. All railroads, express, sleeping car, canal and other corporations engaged in transportation for hire, and all telegraph and other corporations engaged in the business of transmitting intelligence for hire, are common carriers in their relative lines of business, and are subject to liability and taxation as such. It shall be unlawful for any such corporation to make any contract relieving it of its common law liability.

On motion of Mr. STOKES, the proposed substitute was ordered printed in the Journal, and that further debate be adjourned until to-morrow.

Mr. LEE moved to amend Section 3 as amended by adding thereto the following: "or limiting the same."

Section 5. Mr. STOKES moved to amend as follows: After the word "persons," on line 4, insert the following: "and no railroad or transportation company or corporation shall charge a higher rate per ton per mile to any station, landing or port in the State, for the transportation of any class of freight, than the said company or corporation charges on the same class of freight to any station, landing or port out of this State;" which was agreed to.

Also, to insert between the words "or" and "coming," on line 2, the words "for the transmission of intelligence;" which was agreed to.

Also, in line 3, insert after the word "company" the words "or transmission;" which was agreed to.

The Section as amended was adopted.

Section 6. Mr. STOKES offered the following as a substitute:

Any railroad or other transportation corporation, and any telegraph or other transmitting corporation, organized under the laws of this State, shall have the right to connect its roads or lines at the State line with those in other States; and shall have the right to intersect with or cross any other railroad, street railway, transportation road or transmitting line, and shall each receive and transport the freight, passengers, cars (loaded or empty), and messages delivered to it by another without delay or discrimination.

The substitute was adopted as Section 6.

Section 7. Mr. STOKES moved to amend line 1 by inserting after the word "company" the words "and no telegraph or other transmitting company;" which was agreed to.

The Section as amended was adopted.

Section 8. Mr. GLENN moved to amend line 6 by inserting after the word "State" the words "unless the railroad so operated or leased is owned by a corporation chartered by the laws of this State."

After debate by Messrs. Prince, George Johnstone, W. B. Wilson, J. L Glenn, and B. R. Tillman,

Mr. PRINCE moved to strike out the entire Section.

The question being put, the Convention refused to strike it out.

Mr. W. B. WILSON moved to lay the amendment of Mr. J. L. Glenn on the table; which was agreed to.

Mr. B. R. TILLMAN moved to amend as follows: by inserting on line 3, after the word "operated," the words "or is now being operated in this State;" which was agreed to.

The Section as amended was adopted.

Section 9. Mr. STANYARNE WILSON moved to amend by inserting the word "special" on line 1 after the word "any;" which was agreed to.

Mr. OLIVER moved to amend by adding the following to the end of the Section: "The General Assembly shall provide for the election of a State Bank Examiner and define the duties and power of such office. Said officer shall receive such compensation as may be fixed by law."

After debate by Messrs. Oliver, Clayton, W. C. Smith, Howell, Mitchell, Timmerman and Lee,

Mr. TIMMERMAN moved to lay the amendment on the table.

The question being put, the Convention refused to lay on the table.

The question being put on the proposed amendment, it was adopted.

The Section as amended was adopted.

Section 10. Mr. STANYARNE WILSON moved to amend as follows: by inserting after the word "received," on line 2, the words "or subscribed;" which was agreed to.

The Section as amended was adopted.

Section 11 was adopted as reported by the Committee.

Section 12. Mr. STANYARNE WILSON moved to amend as follows: "Add to the end of the Section the words "or necessarily incident thereto;" which was agreed to.

The Section as amended was adopted.

Section 13 was adopted as reported by the Committee.

Section 14. Mr. STOKES moved to amend line 2 by striking out the word "and;" which was agreed to.

Also to insert at the end of the line the words "over all transporting and transmitting corporations;" which was agreed to.

Mr. STOKES moved to amend line 3 by inserting after the word "law" the following: "*Provided*, That the members thereof shall be elected at the expiration of the terms of the present Railroad Commissioners, who are hereby continued in office for the terms for which they were elected;" which was agreed to.

Mr. BREAZEALE moved to strike out the entire Section.

The question being put: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 54; nays, 55.

Those who voted in the affirmative are:

Yeas—Messrs. Atkinson, Austin, Bates, Berry, Bowen, Bowman, Breazeale, Buist, Burn, Connor, DeHay, Dennis, Dent, Doyle, Ellerbe, Farrow, Floyd, Gary, Gooding, Harris, Harrison, Hemphill, Wm. Henderson, Henry, Howell, Hutson, E. J. Kennedy, J. W. Kennedy, Klugh, McCaslan, McGowan, McMahan, McMakin, Matthews, W. J. Montgomery, Moore, Murray, Perritte, Prince, J. H. Read, Redfearn, I. R. Reed, Russell, A. J. Smith, R. F. Smith, Stribling, Talbert, G. D. Tillman, Timmerman, Watson, Wells, Wharton, S. E. White, and Winkler.—54.

Those who voted in the negative are:

Nays—Hon. John Gary Evans, President, and Messrs. Alexander, Ashe, Barry, Barton, Bobo, T. W. Brice, Cantey, Carver, Clayton, Cunningham, Douglass, Dudley, Estridge, W. D. Evans, Field, Fitch, Gage, Gamble, J. L. Glenn, Graham, Gray, Hamel, Haynsworth, D. S. Henderson, Houser, T. E. Johnson, George Johnstone, Ira B. Jones, Keitt, Lee, Lowman, McKagen, McWhite, Meares, Mitchell, Nathans, Nicholson, Otts, Parler, Patterson, Peake, Rosborough, Rowland, Scarborough, Shuler, Singletary, Smoak, Stokes, Taylor, Waters, A. H. White, Stanyarne Wilson, W. B. Wilson, and Woodward.—55.

Mr. STOKES moved to amend line 2 by inserting between the word "of" and the word "three" the words "not less than;" which was agreed to.

The Section as amended was adopted.

Section 15. Mr. FARROW moved to strike out the Section.

Mr. D. S. HENDERSON moved that further debate be adjourned until to-morrow.

Mr. STOKES offered the following to be known as Section 20, which was ordered printed in the Journal :

Nothing prohibited in this Article shall be permitted to be done by any corporation or company, persons or person, either for its or their own benefit or otherwise; by its or their holding or controlling in its or their own name or otherwise, or in the name of any other person or persons, or other corporation or company whomsoever, a majority of the capital stock or of bonds having voting power of any railroad or transportation company or corporation created by or existing under the laws of this State, or doing business within this State.

The pending question being the motion of Mr. Farrow to strike out Section 15,

On motion of Mr. HAMEL, at 8 P. M., the Convention adjourned until 10 A. M. to-morrow.

FORTY-FIFTH DAY.

Tuesday, November 12, 1895.

The Convention assembled at 10 o'clock A. M.

The Secretary called the roll.

The following delegates answered to their names.

Hon. John Gary Evans, President, and Messrs. Alexander, Anderson, Ashe, Atkinson, Austin, Barry, Barton, Bates, Behre, Berry, Bobo, Bowen, Bowman, Bradham, Breazeale, T. W. Brice, Buist, Burn, Cantey, Carver, Clayton, Connor, Cooper, Cunningham, DeHay, Dennis, Dent, Derham, Douglass, Doyle, Dudley, Efird, Ellerbe, Estridge, W. D. Evans, Farrow, Field, Floyd, Gage, Gamble, Garris, Gary, Gilland, J. L. Glenn, Gooding, Graham, Gray, Gunter, Hamel, Harris, Harrison, Hay, Haynsworth, Hemphill, D. S. Henderson, Wm. Henderson, Henry, Houser, Howell, Hutson, T. E. Johnson, George Johnstone, Ira B. Jones, Wilie Jones, Keitt, E. J. Kennedy, J. W. Kennedy, Klugh, Lee, Lowman, Lybrand, McCaslan,

McCown, McDermotte, McGowan, McKagen, McMahan, McMakin, McWhite, Matthews, Mitchell, W. J. Montgomery, Moore, Morrison, Mower, Murray, Nathans, Nicholson, Otts, Parler, Parrott, Patterson, Patton, Peake, Perritte, Prince, Ragsdale, J. H. Read, Redfearn, I. R. Reed, Rogers, Rosborough, Rowland, Russell, Scarborough, Sheppard, Shuler, Singletary, Sloan, A. J. Smith, R. F. Smith, W. C. Smith, Smoak, Stackhouse, Stokes, Stribling, Sullivan, Talbert, Taylor, G. D. Tillman, Timmerman, Waters, Watson, Wells, Wharton, A. H. White, S. E. White, Stanyarne Wilson, W. B. Wilson, Winkler, and Woodward.

Present, 132.

The PRESIDENT took the chair.

A quorum being present, the deliberations were opened with prayer by Rev. Mr. ABNEY.

The Journal of yesterday's proceedings was read and confirmed.

LEAVES OF ABSENCE.

Leave of absence was granted to Messrs. Harris, Efird and Mower until Tuesday evening.

RESOLUTION.

Mr. OTTS offered the following resolution, which was considered immediately and agreed to:

Resolved, That the privileges of the floor be extended to all Confederate veterans now in the city.

UNFINISHED BUSINESS.

Calendar No. 30, report of the Committee on Corporations.

Section 15. The pending question being the motion of Mr. Farrow to strike out the Section.

After debate by Messrs. Ragsdale, McCaslan and Stanyarne Wilson,

Mr. FARROW withdrew his motion to strike out.

Mr. W. B. WILSON offered the following as a substitute for Section 15:

Every employee of any railroad corporation shall have the same rights and remedies from any injury suffered by him from the acts or omissions of said corporations or its employees as are allowed by law to other persons not employees, when the injury results from the negligence of a superior agent or officer, or of a person having the right to control or direct the services of a party injured, and also when the injury results from the negli-

gence of a fellow servant engaged in another department of labor from that of the party injured, or of a fellow servant on another train of cars, or one engaged about different pieces of work. Knowledge of any employee injured of the defect or unsafe character or condition of any machinery, ways or appliances shall be no defense to an action for injury caused thereby, except as to conductors or engineers in charge of dangerous or unsafe cars or engines voluntarily operated by them. When death ensues from any injury to employees, the legal or personal representative of the person injured shall have the same rights and remedies as are allowed by law to such representatives of other persons.

Any contract or agreement, express or implied, made by any employee to waive the benefit of this Section shall be null and void, and this Section shall not be construed to deprive any employee of a corporation, or his legal or personal representative, of any money or right that he now has by the law of the land.

The General Assembly may extend the remedies herein provided for to any other class of employees.

After debate by Messrs. Prince, Nathans, W. B. Wilson, J. L. Glenn, Howell and Stanyarne Wilson,

Mr. D. S. HENDERSON moved to indefinitely postpone the Section and substitute.

The question being put: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 52; nays, 58.

Those who voted in the affirmative are:

Yeas—Messrs. Alexander, Atkinson, Berry, Bobo, Bowen, Bowman, Breazeale, T. W. Brice, Clayton, Cunningham, Douglass. Doyle, Estridge, Farrow, Floyd, Gage, Gary, Gilland, J. L. Glenn, Gooding, Gunter, Hamel, Harrison, Hay, Haynsworth, D. S. Henderson, Henry, Howell, Wilie Jones, Klugh, McGowan, Mitchell, W. J. Montgomery, Mower, Nathans, Nicholson, Prince, Ragsdale, J. H. Read, Sheppard, R. F. Smith, Stribling, Taylor, G. D. Tillman, Timmerman, Watson, Wells, Wharton, A. H. White, S. E. White, Winkler, and Woodward.—52.

Those who voted in the negative are:

Nays—Hon. John Gary Evans, President, and Messrs. Anderson, Ashe, Austin, Barry, Barton, Bates, Behre, Burn, Cantey, Carver, Connor, Cooper, DeHay, Dennis, Dent, Efird, Graham, Gray, Wm. Henderson, Houser, T. E. Johnson, George Johnstone, Ira B. Jones, Keitt, E. J. Kennedy, J. W. Kennedy, Lowman, McCaslan, McCown, McKagen, McMakin, McWhite, Matthews, Moore, Murray, Otts, Parler, Parrott, Patterson, Perritte, Redfearn, I. R. Reed, Rosborough, Rowland, Russell, Scarborough, Shuler, Singletary, Sloan,

A. J. Smith, Smoak, Stokes, Sullivan, Talbert, Waters, Stanyarne Wilson, and W. B. Wilson.—58.

Mr. HEMPHILL stated that he was paired with Mr. Lee, otherwise he would vote "yea."

REASON FOR VOTING.

I vote "yea" (to indefinitely postpone the whole matter) because I think it unwise to fix in the Constitution any rule on the subject.

GEORGE W. GAGE.

Mr. D. S. HENDERSON moved to amend by striking out at the end of the Section the words: "The General Assembly may extend the remedies herein provided for to any other class of employees."

On motion of Mr. OTTS, the proposed amendment was laid on the table.

Mr. J. L. GLENN moved to amend the substitute of Mr. Wilson by striking out the words: "Or one engaged about a different piece of work."

On motion of Mr. STOKES, the proposed amendment was laid on the table.

The substitute was then adopted as Section 15.

Mr. STOKES moved to reconsider the vote whereby the substitute was adopted as Section 15, and to lay that motion on the table; which was agreed to.

Section 16. Mr. STANYARNE WILSON moved to amend by striking out all after the word "Article" on line 3.

After debate by Messrs. Stanyarne Wilson and Stokes, the proposed amendment was adopted.

The Section as amended was adopted.

Section 17. Mr. STOKES moved to amend line 2 by striking out the word "existing" and inserting "chartered;" which was agreed to.

Mr. GEORGE JOHNSTONE moved to amend line 8 by striking out the word "through;" which was agreed to.

The Section as amended was adopted.

Section 18. Mr. STANYARNE WILSON moved to amend by adding to the end of the Section the words "and 5 per cent. additional upon the stock owned by them."

After debate by Messrs. Stanyarne Wilson, George Johnstone, W. B. Wilson, Gage and Haynsworth,

Mr. STANYARNE WILSON asked and obtained permission to withdraw his proposed amendment, and moved to strike out the entire Section.

The question being put, the Convention refused to strike out.

Mr. IRA B. JONES moved to amend by striking out the word "unpaid," on line 3, and inserting the words "due to the corporation;" which was agreed to.

Mr. HAYNSWORTH moved to amend by striking out all on lines 2 and 3, after the word "thereof," on line 2, and to insert in lieu thereof the words "only to the amount of the stock owned by them."

After debate by Messrs. Haynsworth and George Johnstone,

Mr. BATES moved to lay the proposed amendment on the table.

The question being put, the Convention agreed to lay the amendment on the table.

Mr. BRYAN offered the following amendment: Add to the end of the Section: "*Provided*, That the stockholders of every corporation and joint stock association for banking purposes shall also be individually responsible to the amount of their respective share or shares of stock in any such corporation or association for all its debts and liabilities of every kind."

After debate by Messrs. Bryan, George Johnstone, Sheppard and Gage,

Mr. GAGE offered the following as a substitute for the proposed amendment: "*Provided*, That stockholders in banks or banking institutions shall be liable to depositors therein in a sum equal to their stock, and over and above the same."

Mr. GAGE asked and obtained permission to withdraw his proposed substitute.

Debate continued by Messrs. Prince and Stanyarne Wilson.

Mr. SHEPPARD moved to lay the amendment of Mr. Bryan on the table.

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows:

Yeas, 55; nays, 41.

Those who voted in the affirmative are:

Yeas—Messrs. Alexander, Anderson, Barry, Barton, Bates, Bowen, Bowman, Cantey, Carver, Clayton, DeHay, Dudley, Estridge, W. D. Evans, Floyd, Gamble, Gooding, Gunter, Hamel. Harrison, Hay, Haynsworth, D. S. Henderson, William Henderson, Howell, George Johnstone, Wilie Jones, Klugh, Lowman, Lybrand, McCown, McKagen, Matthews, W. J. Montgomery, Murray, Nathans, Otts, Parrott, Redfearn, Russell, Sheppard, Shuler, Stokes, Stribling, Talbert, G. D. Tillman, Timmerman, Waters, Watson, Wells, Wharton, A. H. White, S. E. White, W. B. Wilson, and Winkler.—55.

Those who voted in the negative are :

Nays—Hon. John Gary Evans, President, and Messrs. Atkinson, Austin, Behre, Breazeale, T. W. Brice, Bryan, Dennis, Doyle, Field, Fraser, Gage, Garris, Gary, J. L. Glenn, Gray, Houser, T. E. Johnson, Ira B. Jones, Keitt, E. J. Kennedy, Lee, McGowan, McMahan, McMakin, Moore, Parler, Patterson, Peake, Perritte, Prince, Ragsdale, I. R. Reed, Rogers, Rosborough, Rowland, Scarborough, Sloan, Smoak, Taylor, and Stanyarne Wilson.—41.

Mr. FARROW stated that he was paired with Mr. R. F. Smith, otherwise he would vote "no."

Mr. GAGE moved to amend by adding the following to the end of the Section: "*Provided,* That stockholders in banks or banking institutions shall be liable to depositors therein in a sum equal to their stock, and over and above the same."

After debate by Mr. Timmerman,

Mr. STANYARNE WILSON offered the following substitute for the whole matter: "Debts of corporations shall be secured by such individual liability of the stockholders and other means as may be prescribed by law."

After debate by Messrs. D. S. Henderson and W. J. Montgomery, the pending question being the proposed amendment of Mr. Stanyarne Wilson,

On motion of Mr. GEORGE JOHNSTONE, at 1:30 P. M., the Convention receded from business until 7:30 P. M. this day.

RECESS.

The PRESIDENT resumed the chair at 7:30 P. M.

Mr. PARROTT moved that when this Convention adjourns it stands adjourned until 7.30 P. M. to-morrow.

The question being put, the motion was rejected.

Calendar No. 30, Section 18. The pending question being the substitute of Mr. Stanyarne Wilson printed in the Journal to-day.

After debate by Messrs. Ragsdale, Stokes,

Mr. STOKES moved to lay the substitute on the table ; which was agreed to.

The question being upon the substitute of Mr. Gage printed in the Journal this morning.

After debate by Messrs. Lee and George Johnstone,

Mr. W. B. WILSON offered the following as a substitute for the amendment proposed by Mr. Gage: Add after the word "corporation" on line 1 the words "except banking institutions."

Debate continued by Messrs. George Johnstone, W. B. Wilson, Gage and J. L. Glenn.

Mr. W. C. SMITH moved to lay the substitute on the table.

The question being put, the Convention refused to lay on the table.

Debate continued by Messrs. Floyd and Gage.

Mr. GEORGE JOHNSTONE submitted the following: "Every stockholder in a banking corporation which is a bank of issue shall be individually responsible and liable to its creditors, over and above the amount of stock by him held, to an amount equal to his or her respective shares so held, to secure the payment of its bills."

Mr. STOKES moved the previous question on the Section; which was agreed to.

The question being put on the adoption of the substitute proposed by Mr. W. B. Wilson, the Convention refused to adopt the substitute.

Mr. FLOYD moved to lay the proposed amendment of Mr. Johnstone on the table; which was agreed to.

The question being upon the adoption of the amendment proposed by Mr. Gage,

The following gentlemen spoke in favor of the amendment: Messrs. Gage and Prince.

The following gentlemen opposed the adoption of the amendment: Messrs. Timmerman and R. F. Smith.

The question being put, the amendment was adopted as amended.

GAGE AMENDMENT.

Provided, That stockholders in banks shall be liable to depositors therein in a sum equal in amount to their stock over and above the face value of the same.

The Section as amended was adopted.

Section 19 was adopted as reported by the Committee.

Section 20. Mr. STOKES offered the following, to be known as Section 20, (printed in the Journal of Monday, November 11, page 11); which was adopted.

Section 3. This Section was passed over, the pending question being the substitute proposed by Mr. Stokes (printed in Journal of Monday, November 11, page 8.)

Mr. J. L. GLENN moved to strike out the first sentence of the substitute.

Mr. STOKES moved to lay that motion on the table.

The question being put, the Convention refused to lay upon the table.

The question being put, the amendment proposed by Mr. Glenn was agreed to.

Mr. STOKES moved to amend the substitute by striking out the words "sleeping car;" which was agreed to.

Mr. FARROW moved to strike out the last sentence of the substitute.

After debate by Messrs. Farrow, W. B. Wilson, Wharton, Lee, Howell and McCalla,

The question being put, the Convention refused to agree to the amendment.

Mr. STOKES moved to amend as follows: By adding to the end of the Section the words "or limiting the same;" which was agreed to.

The substitute as amended was adopted as Section 3.

Section 4. Mr. HAYNSWORTH offered the following amendment (printed in Journal of Monday, November 11, page 7); which was agreed to.

Mr. RAGSDALE moved to amend as follows: "*Provided,* That nothing contained in this Section shall be construed to prohibit the General Assembly from providing for the service of process on any agent of a railroad corporation so as to bind such corporation;" which was agreed to.

Mr. HAYNSWORTH moved to amend by adding the following to the end of the Section: "*Provided,* That this Section shall not apply to mercantile corporations;" which was agreed to.

Mr. BRYAN moved to reconsider the vote whereby Section 6 was adopted; which was agreed to.

Mr. BRYAN moved to amend as follows: By adding to the end of the Section the following: "All street railway corporations having rights of way, or acquiring rights of way, through the same street or part of the same streets of any town or city in this State shall use in common the same tracks in said streets or parts of the said streets, and said tracks so used in common shall be built, constructed and maintained at the joint expense of such street railway corporations;" which was agreed to.

Section 6 as amended was adopted.

The Article as amended was read the second time, adopted and ordered engrossed for a third reading to-morrow.

Mr. IRA B. JONES moved that the Article as amended be printed in Bill form and laid upon the desks of the members; which was agreed to.

GENERAL ORDERS.

Mr. OTTS moved to take up No. 29, report of Committee on Counties and County Government; which was agreed to.

Mr. OTTS moved that all proposed amendments be printed in the Journal and that it be made a special order for Thursday next, at 12 M., and from day to day until disposed of; which was agreed to.

AMENDMENTS TO CALENDAR No. 29.

By Mr. OTTS—

Amend Section 1, line 7, by striking out "within a reasonable time thereafter."

Add Section:

Section —. If two or more proposed Counties shall include the same territory, or a part of the same, the qualified electors within the said area shall determine at an election which shall include the territory in question.

Section —. All elections provided for in this Article shall be ordered by the Governor within sixty days after filing the required petition, and in accordance with the general election laws of the State.

Amend Section 3, line 5, by adding at the end of the line: "*Provided*, That the General Assembly may, in its discretion, create any new County having not less than three hundred square miles complying with other mandatory requirements of this Article."

Section 8, line 1, strike out "two-thirds" and insert "a majority."

By Mr. SCARBOROUGH—

Add to end of Section 12 the following:

Provided, That nothing herein contained shall be construed to prevent the General Assembly from passing the Bills in regard to the formation of new Counties now pending on its Calendars, nor from forming the new Counties proposed to be formed in said Bills, subject to the provisions of this Article as to area, population and wealth.

By Mr. HAMEL—

Amendment to the report of the Committee on Counties and County Government:

Amend Section 5, line 2, on page 2, by striking ont "seat" at the end of the line and inserting in lieu thereof the words "Court House building."

By Mr. W. B. WILSON—

Amend Section 3, by adding thereto the following:

Provided, That a new County, which shall embrace within its limits the city of Rock Hill, may be formed with an area of not less than three hundred square miles, and having a population of not less than fifteen thousand inhabitants, and property assessed for taxation at not less than two and one-half millions of dollars, and which shall approach not nearer than eight miles to any Court House; and the city or town selected as the County seat of such new County shall defray the expense of building a County Court House and jail.

REPORT OF STANDING COMMITTEE.

Mr. SHEPPARD for the Committee on Rules, submitted the following report, which was read the first time and ordered for consideration to-morrow, to be printed in the Journal only:

The Committee on Rules, to whom was referred a resolution instructing the Committee to report a day for the final adjournment of the Convention and "to arrange a schedule of work for the Convention, fixing limits for debate, length of speeches and time of voting on the various Articles and matters yet to be considered and voted on," respectfully report that they have carefully considered the several matters contained in said resolution.

Holding in remembrance the time consumed in the discussion of matters which have heretofore been presented for the consideration of the Convention, and mindful of the importance of matters yet to be considered, such as the Articles on Education, the Judiciary, and Finance and Taxation, your Committee submit that it is utterly impracticable at this hour to fix a day for the final adjournment of the Convention.

But your Committee are hopeful of promoting the consideration of business so as to facilitate the dispatch thereof without impairing the thoroughness of debate or endangering the wisdom of results.

Your Committee have observed that the invariable result of postponing the consideration of an Article beyond the necessary continuance thereof from day to day is the protracted repetition of argument. Believing that relief is needed at this point, we respectfully recommend the adoption of the first of the accompanying resolutions.

Furthermore, your Committee have oftentimes observed that the "previous question" has been applied after exhaustive discussion has been indulged by the Convention, thereby permitting two hours of additional debate, certainly inviting unnecessary repetition.

Believing that relief is demanded here, we respectfully recommend the adoption of the second of the accompanying resolutions. As to limiting the "length of speeches," your Committee submit, without recommendation, the fourth of the accompanying resolutions.

All of which is respectfully submitted.

J. C. SHEPPARD, for Committee.

Resolved, First. That when an Article or Resolution is presented for consideration, the consideration thereof shall not be interrupted, save by recess or adjournment, until the same shall be disposed of.

Second. That the "previous question" is hereby abolished. That in lieu thereof it shall be competent for the Convention to fix a time at which a vote upon a pending question shall be taken—the time intervening between the date of the order and the time fixed to be equally divided between the mover of the question and the Chairman of the Committee; the Chairman of the Committee to be entitled to reply. The motion to fix the time to be decided without debate.

Third. The motion to fix the time for voting to take the place of the "previous question" in the order of business as provided by Rule 15.

Fourth. That no member shall speak more than ten minutes upon any question without leave of the Convention.

LEAVES OF ABSENCE.

Mr. DUDLEY was granted indefinite leave of absence on account of sickness.

Mr. McCOWN asked and obtained leave of absence from 9:30 o'clock to-night and for Wednesday and Thursday next.

Mr. McMAHAN asked and obtained leave of absence on account of sickness in his family.

On motion of Mr. AUSTIN, at 10:30 P. M., the Convention adjourned until 10 A. M. to-morrow.

FORTY-SIXTH DAY.

Wednesday, November 13, 1895.

The Convention assembled at 10 o'clock A. M.

The Secretary called the roll.

The following delegates answered to their names:

Hon. John Gary Evans, President, and Messrs. Alexander, Anderson, Ashe, Atkinson, Austin, Barry, Barton, Bates, Behre, Berry, Bobo, Bowen, Bowman, Bradham, Breazeale, J. S. Brice, T. W. Brice, Bryan, Buist, Burn, Cantey, Carver, Clayton, Connor, Cooper,

Cunningham, DeHay, Dennis, Dent, Derham, Douglass, Doyle, Dudley, Efird, Ellerbe, Estridge, W. D. Evans, Farrow, Field, Fitch, Floyd, Fraser, Gage, Gamble, Garris, Gary, Gilland, J. L. Glenn, J. P. Glenn, Gooding, Graham, Gray, Gunter, Hamel, Harris, Harrison, Hay, Haynsworth, Hemphill, D. S. Henderson, Wm. Henderson, Henry, Houser, Howell, Hutson, Jervey, T. E. Johnson, George Johnstone, Ira B. Jones, Wilie Jones, Keitt, E. J. Kennedy, J. W. Kennedy, Klugh, Lee, Lowman, Lybrand, McCalla, McCasian, McDermotte, McGowan, McKagen, McMakin, McWhite, Matthews, Mitchell, W. J. Montgomery, Moore, Morrison, Mower, Murray, Nash, Nathans, Nicholson, Oliver, Otts, Parler, Parrott, Patterson, Patton, Peake, Perritte, Prince, Ragsdale, J. H. Read, Redfearn, I. R. Reed, Rogers, Rosborough, Rowland, Russell, Scarborough, Sheppard, Shuler, Singletary, Sloan, A. J. Smith, R. F. Smith, W. C. Smith, Smoak, Stackhouse, Stokes, Stribling, Sullivan, Talbert, Taylor, B. R. Tillman, G. D. Tillman, Timmerman, Von Kolnitz, Waters, Watson, Wells, Wharton, A. H. White, S. E. White, Stanyarne Wilson, W. B. Wilson, Winkler, and Woodward.

Present, 141.

The PRESIDENT took the chair.

A quorum being present, the deliberations were opened with prayer by the Rev. Mr. ABNEY.

The Journal of yesterday's proceedings was read and confirmed.

LEAVES OF ABSENCE.

Indefinite leave was granted to Messrs. J. D. Montgomery and Sligh on account of sickness.

GENERAL ORDERS.

Mr. SHEPPARD moved to take up No. 61, report of the Committee on Rules; which was agreed to.

The report was read, considered immediately, and adopted as reported by the Committee.

SPECIAL ORDERS.

Calendar No. 41, report of Committee on Education. Mr. Mitchell for Committee.

Section 1. Mr. McWHITE moved to amend line 2 by striking out the word "four" and inserting in lieu thereof the word "two;" which was agreed to.

The Section as amended was adopted.

Section 2. Mr. EFIRD offered the following as a substitute for the Section :

The General Assembly shall provide by law for the election or appointment of such County, township or municipal school officers as occasion may require.

Mr. PATTERSON offered the following as a substitute for the substitute proposed by Mr Efird :

The General Assembly shall make provision for the election or appointment of all additional necessary school officers, and shall define their qualification, powers, duties, compensation and terms of office, and also for a system of free public schools throughout the State.

After debate by Messrs. Mitchell, Patterson, Ragsdale, Hutson, Perritte, Field and W. C. Smith,

Mr. W. C. SMITH moved that a vote be taken on this Section, if not sooner disposed of, at 12 M.; which was agreed to.

Debate continued by Messrs. Sheppard, Parrott, Prince, Efird and Breazeale.

Mr. RAGSDALE moved to indefinitely postpone the proposed substitute.

The question being put : "Will the Convention agree thereto ?" it was decided in the negative.

The yeas and nays were requested, and are as follows :

Yeas, 53 : nays, 69.

Those who voted in the affirmative are :

Yeas—Messrs. Anderson, Bates, Breazeale, J. S. Brice, T. W. Brice, Bryan, Buist, Carver, Clayton, DeHay, Dennis, Dudley, Ellerbe, W. D. Evans, Farrow, Floyd, Fraser, Gage, Gilland, J. L. Glenn, J. P. Glenn, Haynsworth, D. S. Henderson, Houser, Hutson, George Johnstone, Wilie Jones, Keitt, E. J. Kennedy, Klugh, Lowman, McGowan, McMakin, McWhite, Matthews, Mitchell, W. J. Montgomery, Mower, Murray, Nathans, Nicholson, Oliver, Patton, Peake, Perritte, Prince, Ragsdale, Rogers, Rosborough, Russell, Sloan, Sullivan, and Wells.—53.

Those who voted in the negative are :

Nays—Hon. John Gary Evans, President, and Messrs. Alexander, Ashe, Atkinson, Austin, Barry, Barton, Behre, Berry, Bobo, Bowen, Bowman, Bradham, Burn, Cantey, Cooper, Dent, Douglass, Doyle, Efird, Estridge, Field, Gary, Gooding, Graham, Gray, Gunter, Hamel, Harrison, Wm. Henderson, Henry, Howell, T. E. Johnson, Ira B. Jones, J. W. Kennedy, Lybrand, McCalla, McCaslan, McKagen,

Moore, Nash, Otts, Parrott, Patterson, J. H. Read, Redfearn, I. R. Reed, Rowland, Sheppard, Shuler, A. J. Smith, R. F. Smith, W. C. Smith, Smoak, Stackhouse, Talbert, Taylor, B. R. Tillman, G. D. Tillman, Timmerman, Waters, Watson, Wharton, A. H. White, S. E. White, Stanyarne Wilson, W. B. Wilson, Winkler, and Woodward.—69.

Mr, CUNNINGHAM stated that he was paired with Mr. McMahan, otherwise he would vote "no."

Mr. PATTERSON amended his substitute by striking out the words "and also for a system of free public schools throughout the State"

The substitute of Mr. Patterson was adopted as Section 2.

Section 3. Mr. PATTERSON offered the following substitute for Section 3 :

The salaries of the State and County school officials and compensation of County Treasurers for collecting and disbursing school moneys shall not be paid out of the school funds, but shall be otherwise provided for by the General Assembly.

The substitute was adopted as Section 3.

Section 4. Passed over on motion of Mr. MITCHELL.

Section 5. Mr. RAGSDALE moved to amend lines 2 and 3 by striking out the words "not mentally disabled;" which was agreed to.

Mr. PRINCE moved to amend by striking out the word "free" on line 1.

After debate by Messrs. Prince and Gray, the question being put, the proposed amendment was rejected.

Mr. B. R. TILLMAN moved to amend by adding after the words "school districts" on line 3 the words "as nearly square as practicable, and not to exceed forty-nine nor be less than sixteen square miles in area: *Provided,* That in cities of ten thousand inhabitants and over this limit shall not apply."

After debate by Mr. B. R. Tillman,

Mr. OTTS moved that at 1 P. M. a vote be taken on this Section.

The question being put, the motion was rejected.

Debate continued by Messrs. Perritte, Houser, Rogers, W. C. Smith, T. E. Johnson, Breazeale, Woodward and Haynsworth.

Mr. BREAZEALE offered the following amendment to the amendment :

Provided, That school districts may be established with a less area than sixteen square miles in which there is located an incorporated city or town

which has erected school buildings for free school purposes, by the issuance of bonds, or by donation of citizens thereof, or by taxation, or may desire to do so.

Debate continued by Messrs. Rogers, B. R. Tillman and Prince.

Mr. D. S. HENDERSON moved that the further consideration of the Section be postponed until the evening session ; which was agreed to.

Section 6. Mr. MITCHELL, as Chairman of the Committee on Education, explained the operation, scope and effect of Section 6.

Mr. MITCHELL having the floor,

On motion of Mr. DOUGLASS, at 2 P. M., the Convention receded from business until 7:30 P. M. this day.

RECESS.

The PRESIDENT resumed the chair at 7:30 P. M.

Mr. IRA B. JONES moved that when the Convention adjourn to-night, it stand adjourned until 9 A. M. to-morrow ; which was agreed to.

No. 41, report of the Committee on Education.

Section 6. Mr. MITCHELL resumed the floor and continued his remarks.

Mr. MITCHELL moved to amend line 9 by inserting after the word "shall," the words "expend and ;" which was agreed to.

Also, lines 10 and 11, by striking out all after the word "same," and inserting in lieu thereof the words "as the General Assembly may prescribe ;" which was agreed to.

Also, line 18, by inserting after the word "officers," the words "and the poll tax ;" which was agreed to.

Also, line 20, by striking out "1894" and inserting "1895 ;" which was agreed to.

Also, line 23 of printed Bill, by striking out the word "levy" and inserting "on the first day of each of said years levy such ;" which was agreed to.

Also, line 23, by striking out the word "sufficient" and inserting "as he may determine to be necessary ;" which was agreed to.

Also, line 24, by inserting after the word "deficiency" the words "to be collected as other State taxes ;" which was agreed to.

Also, line 29, by striking out "the first day of November" and inserting in lieu thereof the words "the 31st day of December ;" which was agreed to.

Also, lines 34 and 35, by striking out all after the word "apportioned" on line 24 and inserting the words "among the Counties in proportion to the deficiencies therein and disbursed as other school funds;" which was agreed to.

No. 39, Minority Report of Committee on Education. (Mr. E. J. Kennedy.)

Section 6. Mr. E. J. KENNEDY moved the following as a substitute for Section 6. Majority Report:

Section 6. The Comptroller General shall levy at each regular session after the adoption of this Constitution, an annual tax of three mills on the dollar on all taxable property throughout the State, for the support of the public schools, which tax shall be collected at the same time and by the same agents as the general State levy and shall be paid into the State treasury. There shall also be assessed on all taxable polls in this State between the ages of twenty-one and sixty years an annual tax of one dollar on each poll, the proceeds of which shall be applied solely to the support of the public schools. The school tax shall be distributed among the several Counties in this State in proportion to the respective number of pupils enrolled in the public schools, to be disbursed in the several school districts of said Counties as may be provided by the General Assembly. Any school district may, by the authority of the General Assembly, levy an additional tax for the support of its schools.

Mr. E. J. KENNEDY spoke at length, outlining the effect of his proposed substitute, and urged its adoption.

Debate continued by Mr. Ragsdale.

Mr. WATSON moved to lay the substitute on the table.

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows:

Yeas, 90; nays, 26.

Those who voted in the affirmative are:

Hon. John Gary Evans, President, and Messrs. Ashe, Atkinson, Austin, Barry, Barton, Bates, Berry, Bobo, Bowman, Bradham, Breazeale, J. S. Brice, T. W. Brice, Bryan, Buist, Cantey, Carver, Connor, Douglass, Dudley, Efird, W. D. Evans, Farrow, Fitch, Floyd, Fraser, J. L. Glenn, J. P. Glenn, Harris, Harrison, Hay, Haynsworth, Hemphill, D. S. Henderson, Henry, Houser, Howell, Hutson, Jervey, T. E. Johnson, George Johnstone, Wilie Jones, Keitt, J. W. Kennedy, Klugh, Lee, McCaslan, McGowan, McKagen, McWhite, Matthews, Mitchell, W. J. Montgomery, Moore, Morrison, Mower, Nash, Nathans, Nicholson, Oliver, Patterson, Patton, Peake, Perritte, Prince, Rogers, Rosborough, Rowland, Russell, Shuler, Singletary, Sloan, A. J. Smith, W. C. Smith, Smoak, Sullivan, Talbert, Timmer-

man, Von Kolnitz, Waters, Watson, Wells, Wharton, A. H. White, S. E. White, Stanyarne Wilson, W. B. Wilson, Winkler, and Woodward.—90.

Those who voted in the negative are :

Messrs. Alexander, Anderson, Bowen, Burn, Clayton, Cooper, DeHay, Dennis, Doyle, Estridge, Field, Gooding, Graham, Gray, Wm. Henderson, McCalla, McMakin, Murray, Parler, Parrott, Ragsdale, Redfearn, I. R. Reed, Smalls, Taylor, and G. D. Tillman.—26.

PAIRS.

Mr. GAGE stated that he was paired with Mr. Ira B. Jones, otherwise he would vote "yea"

Mr. E. J. KENNEDY stated that he was paired with Mr. Barker, otherwise he would vote "no."

Mr. OTTS stated that he was paired with Mr. Lowman, otherwise he would vote "no."

Mr. GARY stated that he was paired with Mr. Jeremiah Smith, otherwise he would vote "aye."

Mr. SHEPPARD stated that if he had been present he would have voted "yes."

Mr. PATTERSON offered the following substitute for Section 6 :

Section 6. The existing County Boards of Commissioners of the several Counties, or such officer or officers as may hereafter be vested with the same or similar powers and duties, shall levy an annual tax of three mills on the dollar upon all the taxable property in their respective Counties; which tax shall be collected at the same time and by the same officers as the other taxes for the same year, and shall be held in the County Treasury of the respective Counties to be apportioned among the school districts of the Counties in proportion to the respective number of pupils enrolled in the public schools thereof.

Section 7. The General Assembly shall make provision for the assessment and collection of an annual tax of one dollar on each male inhabitant in the State between the ages of twenty-one and sixty years who is able to perform ordinary manual labor, the proceeds of which tax shall be expended for school purposes in the several school districts in which it is collected, and the General Assembly shall define the penalties, fines and forfeitures to be imposed for the non-payment of this tax.

Section 8. In addition to the taxes hereinbefore required to be levied and collected, the General Assembly shall make provision for the levy and collection of an additional tax of one mill on the dollar on all of the taxable property of the State, which tax shall be levied, collected and paid into the State treasury in the same manner as are other State taxes, and which tax shall be expended in public school education among the schools of the several Counties of the State, according to the discretion of the State Board of Education, under such regulations as the General Assembly may prescribe.

Mr. W. D. EVANS moved that debate be adjourned on this Section until 9:30 to-morrow morning; which was agreed to.

Mr. T. E. JOHNSON moved that all amendments proposed to this Section be printed in the Journal; which was agreed to.

Mr. T. E. JOHNSON proposed the following amendment to the majority report:

Amend on line 3 by inserting "not exceeding" between "of" and "three."

Section 6. Add the following to line 11:

But each taxpayer shall have the right to direct to which school or schools, in the County in which it is paid, the tax paid by him for school purposes shall be applied, which direction shall be obeyed with this limitation, to wit:

If the distributive share of the general fund (to wit: The fund not directed to be specificially applied) of any school, together with the amounts directed to be applied to said school for any year, shall be more than sufficient to maintain the same for a period of five months in each year, then the surplus shall be distributed amongst the school districts of such County by the County School Commissioner.

On motion of Mr. W. D. EVANS the Convention, at 10 P. M., adjourned until 9 A. M. to-morrow.

FORTY-SEVENTH DAY.

Thursday, November 14, 1895.

The Convention assembled at 9 o'clock A. M.

The Secretary called the roll.

The following delegates answered to their names:

Hon. John Gary Evans, President, and Messrs. Alexander, Anderson, Ashe, Atkinson, Austin, Barry, Barton, Bates, Behre, Berry, Bobo, Bowen, Bowman, Bradham, Breazeale, J. S. Brice, T. W. Brice, Bryan, Buist, Burn, Cantey, Carver, Clayton, Connor, Cooper, Cunningham, DeHay, Dennis, Dent, Derham, Douglass, Doyle, Dudley, Efird, Ellerbe, Estridge, W. D. Evans, Farrow, Field, Fitch, Floyd, Fraser, Gage, Gamble, Garris, Gary, Gilland, J. L. Glenn, J.

P. Glenn, Gooding, Graham, Gray, Gunter, Hamel, Harris, Harrison, Hay, Haynsworth, Hemphill, D. S. Henderson, Wm. Henderson, Henry, Houser, Howell, Hutson, Jervey, T. E. Johnson, George Johnstone, Ira B. Jones, Wilie Jones, Keitt, E. J. Kennedy, J. W. Kennedy, Klugh, Lee, Lowman, Lybrand, McCalla, McCaslan, McCown, McDermotte, McGowan, McKagen, McMakin, McWhite, Matthews, Mitchell, W. J. Montgomery, Moore, Morrison, Mower, Murray, Nash, Nathans, Nicholson, Oliver, Otts, Parler, Parrott, Patterson, Patton, Peake, Perritte, Prince, Ragsdale, J. H. Read, Redfearn, I. R. Reed, Rogers, Rosborough, Rowland, Russell, Scarborough, Sheppard, Shuler, Singletary, Sloan, Smalls, A. J. Smith, R F. Smith, W. C. Smith, Smoak, Stackhouse, Stokes, Stribling, Sullivan, Talbert, Taylor, B. R. Tillman, G. D. Tillman, Timmerman, Von Kolnitz, Waters, Watson, Wells, Wharton, A. H. White, S. E. White, Stanyarne Wilson, W. B. Wilson, Winkler, and Woodward.

Present, 143.

The PRESIDENT took the chair.

A quorum being present, the deliberations were opened with prayer by the Rev. Mr. ABNEY.

The Journal of yesterday's proceedings was read and confirmed.

LEAVE OF ABSENCE.

Mr. Bobo was granted leave of absence until Monday next on account of sickness.

ACCOUNT.

Mr. BUIST presented the following account of R. L. Bryan & Co.; which was read the first time and referred to the Committee on Contingent Accounts:

CONSTITUTIONAL CONVENTION,

Bought of R. L. BRYAN & CO.

For Clerk Convention.

1895.

Sept. 13—Printing 200 blotter pads, 100 sheets to pad	$ 20	50
Printing 2,000 envelopes, 6½	4	45
Printing 1 order book	2	75
14—2 pair scissors, $2; 500 plain envelopes, $1	3	00
1 dozen Faber's No. 2 pencils		75
16—8½ quires bill paper	3	40
10 dozen bottles, small, paste	5	00
5 dozen bottles, larger, paste	4	50
1 ream legal cap paper	3	25

	80 legal cap pads	10 00	
	18 dozen pen holders, $5.40; 4 gross band, $1	6 40	
	1 gross Bryan's choice pencils	3 50	
	6 quarts Carter's fluid	3 50	
	6 quarts Diamond fluid	4 50	
	4 gross asst. pens	2 75	
	1,000 envelopes, xxx 6	2 50	
	1 dozen red and blue pencils	1 00	
	1 bottle red ink	25	
17—	17 dozen small blotters	1 35	

For Journal Clerk.

23—	1 record book, 50; 1 ruler, 10		30
	1 pair scissors		75

For Clerk Convention.

24—	Printing 1,000 envelopes, xx 6½	2 65	
	Printing 500 envelopes, xxx 10	2 50	
30—	Printing 200 pads in blotters	20 50	
Oct. 1—	1 bottle red ink	25	

For Engrossing Department.

7—	2 reams linen paper ruled to order		8 75

For Committee on Miscellaneous Matters.

	1 record book		50

For Committee, per Sergeant-at-Arms.

	1 record book		50

For Clerk Convention.

	4 boxes paper fasteners	75	
	1 gross shoe strings	60	
16—	Printing 1,000 envelopes, xx 6½	2 60	
18—	1 ink and pencil eraser	25	
	30 postal cards	30	
21—	1 record book	25	
	Printing 500 envelopes, 6½	1 65	
	1 dozen legal pads	1 25	
24—	Printing 2,000 envelopes, 6½	4 00	
29—	Printing 300 "ad" tickets	1 60	
Nov. 8—	Printing 1,000 envelopes	2 60	$125 00

For Engrossing Department.

9—	10 quires engrossing paper		3 00
	Total		$139 10

UNFINISHED BUSINESS.

No. 41, report of the Committee on Education (Mr. Mitchell for Committee.)

Section 6. Mr. PATTERSON proceeded to address the Convention in support of his proposed substitute, printed in the Journal of yesterday, page 6.

Debate continued by Messrs. D. S. Henderson, Parrott and Ragsdale.

Mr. RAGSDALE moved to indefinitely postpone the substitute of Mr. Patterson, Nos. 6, 7 and 8, offered as a substitute for Section 6 of the majority report; which was agreed to.

Section 6, majority report.

Mr. RAGSDALE moved to amend by striking out the word "three" on line 3 and inserting in lieu thereof the word "two."

After debate by Mr. Ragsdale,

Mr. LOWMAN offered the following substitute for the proposed amendment: Amend line 3 by striking out the word "three" and inserting the words "not less than two."

After debate by Messrs. Lowman, Watson and Burn,

Mr. B. R. TILLMAN moved to adjourn debate on this Section for the purpose of taking up Section 5.

Mr. BREAZEALE asked and obtained permission to withdraw his amendment printed in the Journal of yesterday, page 4, to Section 5.

Mr. B. R. TILLMAN offered the following as a substitute for all proposed amendments:

Add after "school districts" on line 3 of Section 5:

As compact form as practicable, having regard to natural boundaries, as large creeks, and not to exceed forty-nine nor less than nine square miles in area: *Provided*, That in cities of ten thousand inhabitants and over this limit shall not apply: *Provided, further*, That when any school district laid out under this Section shall embrace cities or towns already organized into special school districts in which graded school buildings have been erected by the issuance of bonds, or by special taxation, or by donation, all the territory included in said school district shall bear its just proportion of any tax that may be levied to liquidate such bonds or support the public schools therein: *Provided, further*, That nothing in this Article contained shall be construed as a repeal of the laws under which the several graded school districts of this State are organized.

After debate by Messrs. Stanyarne Wilson, B. R. Tillman, Parrott and Parler,

Mr. EFIRD moved that a vote be taken on this Section at 12:35 P. M., if not sooner disposed of; which was agreed to.

Debate continued by Messrs. T. E. Johnson, Otts, Howell and Barton.

The hour fixed for taking the vote on the proposed amendment of Mr. B. R. Tillman having arrived,

Mr. PARROTT moved to reconsider the vote whereby the hour 12:35 P. M. had been fixed to take a vote on this question.

The question being put, the Convention refused to reconsider the vote

The question being put on the amendment: "Will the Convention agree thereto?" it was decided in the affirmative.

Tha yeas and nays were requested, and are as follows:

Yeas, 76; nays, 52.

Those who voted in the affirmative are:

Yeas—Hon. John Gary Evans, President, and Messrs. Austin, Barker, Bowman, Bradham, Breazeale, Bryan, Buist, Cantey, Clayton, Connor, Cunningham, Dent, Derham, Douglass, Dudley, W. D. Evans, Field, Fraser, Gage, Gary, J. P. Glenn, Graham, Gray, Gunter, Harris, D. S. Henderson, Henry, T. E. Johnson, George Johnstone, Wilie Jones, E. J. Kennedy, J. W. Kennedy, Klugh, Lowman, McCalla, McCaslan, McDermotte, McGowan, McKagen, McMahan, McMakin, McWhite, Mitchell, W. J. Montgomery, Moore, Mower, Nash, Nathans, Nicholson, Oliver, Otts, Patterson, Patton, Prince, I. R. Reed, Rosborough, Russell, Scarborough, Shuler, Sloan, Smalls, A. J. Smith, W. C. Smith, Smoak, Stokes, Stribling, Talbert, B. R. Tillman, Timmerman, Von Kolnitz, Waters, Wells, Wharton, A. H. White, and Woodward.—76.

Those who voted in the negative are:

Messrs. Alexander, Anderson, Ashe, Atkinson, Barry, Barton, Bates, Bowen, J. S. Brice, T. W. Brice, Burn, Carver, Cooper, DeHay, Dennis, Doyle, Efird, Estridge, Farrow, Fitch, Floyd, Garris, Gilland, J. L. Glenn, Hamel, Harrison, Hay, Haynsworth, Hemphill, Howell, Hutson, Jervey, Ira B. Jones, Lee, Matthews, Murray, Parler, Parrott, Ragsdale, J. H. Read, Redfearn, Rogers, Rowland, Sheppard, R. F. Smith, Sullivan, Taylor, G. D. Tillman, Watson, S. E. White, Stanyarne Wilson, and W. B. Wilson.—52.

Mr. HOUSER stated that he was paired with Mr. Behre, otherwise he would have voted "yea."

On motion of Mr. GEORGE JOHNSTONE, at 1 P. M., the Convention receded from business until 7:30 P. M. this day.

RECESS.

The PRESIDENT resumed the chair at 7:30 P. M.

LEAVES OF ABSENCE.

Messrs. Singletary and Connor were granted leave of absence until Monday next.

No. 41, report of the Committee on Education. Mr. Mitchell for Committee.

Section 5 was adopted as amended.

Section 6. The pending question being the amendment proposed by Mr. Lowman to the amendment proposed by Mr. Ragsdale, both printed in the Journal of this morning.

Mr. Lowman's amendment was accepted by Mr. Ragsdale.

After debate by Messrs. Talbert, Howell and Gunter,

Mr. IRA B. JONES offered the following substitute for the amendment: Strike out all down to the word "three" in line 3, and insert the following:

"The General Assembly shall, at each regular session after the adoption of this Constitution, authorize and empower the existing County Boards of Commissioners, or such officer or officers as may hereafter be vested with the same or similar powers and duties, to levy an annual tax not exceeding"

Mr. JONES spoke in favor of his proposed substitute.

Debate continued by Messrs. D. S. Henderson and McMahan.

Mr. W. C. SMITH moved that a vote be taken upon this question at 10 P. M.; which was agreed to.

Debate continued by Mr. B. R. Tillman.

The PRESIDENT called Vice President Ira B. Jones to the chair.

Debate continued by Messrs. Bradham and John Gary Evans.

The hour fixed for taking the vote having arrived,

Mr. STANYARNE WILSON moved to reconsider the vote whereby the Convention had agreed to take a vote on this Section at 10 P. M.; which was agreed to.

Debate continued by Mr. Mitchell.

Mr. E. J. KENNEDY moved to lay the amendment of Mr. Ira B. Jones on the table.

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows:

Yeas, 82; nays, 43.

Those who voted in the affirmative are :

Yeas—Messrs. Ashe, Barker, Barton, Bates, Behre, Bowman, Bradham, J. S. Brice, T. W. Brice, Bryan, Buist, Burn, Cantey, Clayton, Cooper, Ellerbe, W. D. Evans, Farrow, Fitch, Floyd, Fraser, Gage, Garris, J. L. Glenn, Gray, Harris, Hay, Haynsworth, D. S. Henderson, Houser, Howell, Hutson, George Johnstone, Wilie Jones, Keitt, E. J. Kennedy, Klugh, Lowman, McCalla, McCaslan, McDermotte, McKagen, McMahan, McWhite, Matthews, Mitchell, W. J. Montgomery, Moore, Morrison, Mower, Nash, Nathans, Nicholson, Oliver, Otts, Patterson, Patton, Peake, Perritte, Prince, I. R. Reed, Rogers, Rosborough, Russell, Scarborough, Sloan, Smalls, W. C. Smith, Smoak, Stackhouse, Stokes, Stribling, Sullivan, B. R. Tillman, Waters, Watson, Wells, Wharton, A. H. White, W. B. Wilson, Winkler, and Woodward.—82.

Those who voted in the negative are :

Nays—Hon. John Gary Evans, President, and Messrs. Alexander, Anderson, Atkinson, Berry, Bowen, Carver, Cunningham, DeHay, Dennis, Douglass, Doyle, Dudley, Efird, Estridge, Field, Gamble, J. P. Glenn, Gooding, Graham, Gunter, Hamel, Harrison, Hemphill, Henry, Jervey, T. E. Johnson, J. W. Kennedy, McMakin, Murray, Ragsdale, J. H. Read, Rowland, Sheppard, Shuler, Singletary, R. F. Smith, Talbert, Taylor, G. D. Tillman, Timmerman, S. E. White, and Stanyarne Wilson.—43.

PAIRS.

Mr. IRA B. Jones stated that he was paired with Mr. McGowan, otherwise he would have voted "no."

Mr. GARY stated that he was paired with Mr. Jeremiah Smith, otherwise he would have voted "no."

Mr. PATTERSON moved to lay Mr. Ragsdale's proposed amendment on the table.

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows :

Yeas, 77 ; nays, 47.

Those who voted in the affirmative are :

Yeas—Hon. John Gary Evans, President, and Messrs. Barker, Barton, Bates, Behre, Bradham, J. S. Brice, Bryan, Buist, Burn, Cantey, Clayton, Cooper, Dennis, Ellerbe, W. D. Evans, Farrow, Fitch, Floyd, Fraser, Gage, Garris, J. L. Glenn, Graham, Gray, Harris, Haynsworth, Hemphill, D. S. Henderson, Howell, Hutson, Jervey, George Johnstone, Wilie Jones, E. J. Kennedy, Klugh, McCalla,

McCaslan, McDermotte, McMahan, McMakin, McWhite, Mitchell, W. J. Montgomery, Moore, Morrison, Mower, Nathans, Nicholson, Oliver, Otts, Patterson, Patton, Peake, Perritte, I. R. Reed, Rogers, Rosborough, Russell, Scarborough, Sheppard, Sloan, Smalls, A. J. Smith, W. C. Smith, Stackhouse, Stribling, Sullivan, B. R. Tillman, G. D. Tillman, Waters, Watson, Wells, Whipper, A. H. White, S. E. White, and W. B. Wilson.—77.

Those voted in the negative are :

Nays—Messrs. Alexander, Anderson, Ashe, Atkinson, Austin, Barry, Berry, Bowen, T. W. Brice, Carver, Cunningham, DeHay, Douglass, Doyle, Dudley, Efird, Estridge, Field, Gamble, J. P. Glenn, Gooding, Gunter, Hamel, Harrison, Hay, Henry, T. E. Johnson, Keitt, J. W. Kennedy, Lowman, McKagen, Matthews, Murray, Prince, Ragsdale, J. H. Read, Rowland, Shuler, R. F. Smith, Stokes, Talbert, Taylor, Timmerman, Wharton, Stanyarne Wilson, Winkler, and Woodward. —47.

PAIRS.

Mr. IRA B. JONES stated that he was paired with Mr. McGowan, otherwise he would have voted "no."

Mr. HOUSER stated that he was paired with Mr. Connor, otherwise he would have voted "yea."

Mr. BOWMAN stated that he was paired with Mr. Von Kolnitz, otherwise he would have voted "no."

Mr. SMOAK stated that he was paired with Mr. Parler, otherwise he would have voted "no."

Mr. GARY stated that he was paired with Mr. Jeremiah Smith, otherwise he would have voted "no."

Mr. NASH stated that he was paired with Mr. Lee, otherwise he would have voted "yea."

Mr. EFIRD moved that the Convention do now adjourn.

The question being put, the Convention refused to adjourn.

Mr. T. E. JOHNSON asked and obtained permission to withdraw his proposed amendments printed in the Journal of yesterday, page 6.

Mr. PRINCE offered the following amendment :

Amend Section 6 on line 11 just after the word "Commissioner" the following: "*Provided,* That any school district which levies a special tax of at least two mills for free public school purposes shall be paid out of the State Treasury an amount equal to the sum raised by one mill on the taxable property of said district, which sum shall also be expended for free public schools in said district: *And provided, further,* That any district receiving this bonus from the State shall allow pupils from any portion of the County in which it is located to enter its two highest grades or classes without any charge for tuition."

Mr. HENDERSON moved to have his proposed amendments printed in the Journal; which was agreed to.

MR. HENDERSON'S PROPOSED AMENDMENTS.

Amend Section 6, line 12, by adding between "district" and "shall": "who shall be qualified voters and taxpayers of the school district."

Amend Section 6, line 15, by inserting between the word "years" and the word "an" the following: "except on persons unable to perform ordinary manual labor."

The pending question being the proposed amendment of Mr. Prince,

On motion of Mr. EFIRD, at 11 P. M., the Convention adjourned until 10 A. M. to-morrow.

FORTY-EIGHTH DAY.

Friday, November 15, 1895.

The Convention assembled at 10 o'clock A. M.

The Secretary called the roll.

The following delegates answered to their names:

Hon. John Gary Evans, President, and Messrs. Alexander, Anderson, Ashe, Atkinson, Austin, Barker, Barry, Barton, Bates, Behre, Berry, Bowen, Bowman, Bradham, J. S. Brice, T. W. Brice, Bryan, Buist, Burn, Cantey, Carver, Clayton, Cooper, Cunningham, DeHay, Dennis, Dent, Derham, Douglass, Doyle, Dudley, Efird, Ellerbe, Estridge, W. D. Evans, Farrow, Field, Fitch, Floyd, Fraser, Gage, Gamble, Garris, Gary, Gilland, J. L. Glenn, J. P. Glenn, Gooding, Graham, Gray, Gunter, Hamel, Harris, Harrison, Hay, Haynsworth, Hemphill, D. S. Henderson, Henry, Houser, Howell, Hutson, Jervey, T. E Johnson, George Johnstone, Ira B. Jones, Wilie Jones, Keitt, E. J. Kennedy, J. W. Kennedy, Klugh, Lee, Lowman, Lybrand, McCalla, McCaslan, McCown, McDermotte, McGowan, McKagen,

McMahan, McMakin, McWhite, Matthews, Mitchell, W. J. Montgomery, Moore, Morrison, Mower, Murray, Nash, Nathans, Nicholson, Oliver, Otts, Parler, Parrott, Patterson, Patton, Peake, Perritte, Prince, Ragsdale, J. H. Read, Redfearn, I. R. Reed, Rogers, Rosborough, Rowland, Russell, Scarborough, Sheppard, Shuler, Sloan, Smalls, A. J. Smith, R. F. Smith, W. C. Smith, Smoak, Stackhouse, Stokes, Stribling, Sullivan, Talbert, Taylor, B. R. Tillman, G. D. Tillman, Timmerman, Von Kolnitz, Waters, Watson, Wells, Wharton, A. H. White, S. E. White, Stanyarne Wilson, W. B. Wilson, Winkler, and Woodward.

Present, 140.

Vice President IRA B. JONES took the chair.

A quorum being present, the deliberations were opened with prayer by the Rev. Mr. ABNEY.

The Journal of yesterday's proceedings was read and confirmed.

LEAVES OF ABSENCE.

Indefinite leave was granted to Mr. Aldrich on account of sickness in his family; until Wednesday to Messrs. Howell and Wm. Henderson; until Tuesday to Messrs. Matthews, Talbert, Gilland, Hay, Breazeale, Wharton and W. B. Wilson; until Monday to Messrs. Bradham, Stokes, Murray, Houser, Harrison, W. J. Montgomery, Wells, McCalla, T. W. Brice, Ragsdale; to Mr. Nathans on account of death in his family.

Mr. WATSON moved that a vote be taken on Section 6 of No. 41, report of Committee on Education, at 12 M.; which was agreed to.

Mr. STANYARNE WILSON moved to make No. 42, report of Committee on Judicial Department, (Mr. Starnyarne Wilson for Committee,) a special order at 10 A. M. on Monday next, and from day to day until disposed of; which was agreed to.

Mr. W. D. EVANS moved to make No. 12, Article 9 of the Constitution as proposed by the Committee on Finance and Taxation, a special order for Tuesday next at 12 M; which was agreed to.

UNFINISHED BUSINESS.

No. 41, report of the Committee on Education (Mr. Mitchell for Committee).

Section 6. The Convention proceeded to the consideration of the amendment proposed by Mr. Prince, printed in the Journal of yesterday, page 8.

Mr. PRINCE spoke in support of his proposed amendment.

Mr. PRINCE asked and obtained permission to withdraw his proposed amendment.

Section 6. Mr. MITCHELL, for Committee, moved to amend as follows: Strike out the words "the County School Commissioner shall apportion the said fund," on lines 6 and 7, and insert the following: "the said fund shall be apportioned;" which was agreed to.

Mr. ROGERS moved to amend as follows: Insert the words "of the respective districts" on line 9 after the word "schools;" which was agreed to.

Also, to strike out the word "respective" on line 8; which was agreed to.

Mr. D. S. HENDERSON moved to amend line 12 by adding between the words "district" and "shall" the words "who shall be qualified voters and taxpayers of the school district;" which was agreed to.

Mr. D. S. HENDERSON asked and obtained permission to withdraw his other proposed amendment printed in the Journal of yesterday, page 8.

Mr. W. B. WILSON moved to amend by adding after the word "determine," in line 13, the following: "Except in cases of special school districts now existing, where the provisions of law now governing the same shall remain until changed by the General Assembly;" which was agreed to.

Mr. W. J. MONTGOMERY moved to amend line 15 by striking out the words "one dollar" and inserting the words "one dollar and fifty cents."

Mr. B. R. TILLMAN moved to amend the amendment by striking out the words "one dollar and fifty cents" and inserting the words "two dollars."

Mr. MONTGOMERY accepted the proposed amendment after debate by Messrs. W. J. Montgomery, Watson, Moore, McCaslan and Efird.

The hour having arrived at which it was agreed to take a vote on this Section,

Mr. PATTERSON moved to reconsider the vote whereby it was agreed to take a vote on this Section at 12 M.; which was agreed to.

Debate continued by Messrs. Smalls and Bradham.

Mr. PATTERSON moved that a vote be taken on the amendment proposed by Mr. W. J. Montgomery at 1 P. M.; which was agreed to.

Debate continued by Messrs. Bradham, B. R. Tillman, McWhite, Barton, Patterson, Parler, Talbert and E. J. Kennedy.

The question being on the amendment proposed by Mr. W. J. Montgomery.

The question being put: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 20; nays, 103.

Those who voted in the affirmative are:

Yeas—Messrs. Barker, Barton, Berry, Doyle, Gooding, Harris, Klugh, McGowan, W. J. Montgomery, Patton, Perritte, Sloan, R. F. Smith, Stackhouse, Stribling, B. R. Tillman, Waters, Watson, Wells, and S. E. White.—20.

Those who voted in the negative are:

Nays—Hon. John Gary Evans, President, and Messrs. Anderson, Ashe, Atkinson, Austin, Barry, Bates, Behre, Bowen, Bowman, Bradham, J. S. Brice, T. W. Brice, Bryan, Buist, Burn, Cantey, Carver, Clayton, Cooper, Cunningham, DeHay, Dennis, Dent, Douglass, Dudley, Efird, Estridge, W. D. Evans, Farrow, Field, Fitch, Floyd, Fraser, Gage, Garris, Gilland, J. L. Glenn, J. P. Glenn, Graham, Gray, Gunter, Hamel, Hay, Haynsworth, Hemphill, D. S. Henderson, Henry, Houser, Howell, Jervey, T. E. Johnson, George Johnstone, Ira B. Jones, Wilie Jones, Keitt, E. J. Kennedy, J. W. Kennedy, Lee, Lowman, Lybrand, McCalla, McDermotte, McKagen, McMakin, McWhite, Mitchell, Moore, Morrison, Mower, Nash, Nathans, Nicholson, Oliver, Otts, Parler, Patterson, Peake, Ragsdale, J. H. Read, Redfearn, I. R. Reed, Rogers, Rosborough, Rowland, Russell, Scarborough, Sheppard, Smalls, A. J. Smith, W. C. Smith, Smoak, Sullivan, Talbert, Taylor, G. D. Tillman, Timmerman, Von Kolnitz, A. H. White, Stanyarne Wilson, W. B. Wilson, Winkler, and Woodward.—103.

Mr. McCASLAN stated that he was paired with Mr. Gamble, otherwise he would vote "aye."

Mr. HUTSON stated that he was paired with Mr. Harrison, otherwise he would vote "aye."

Mr. PRINCE stated that he was paired with Mr. McCown, otherwise he would vote "aye."

Mr. McMAHAN stated that he was paired with Mr. Wharton, otherwise he would vote "aye."

Mr. GARY stated that he was paired with Mr. Jeremiah Smith, otherwise he would vote "no."

REASON FOR VOTING.

Mr. E. J. Kennedy explains that he votes no on the increase of the poll tax to two dollars ($2.00) for the reason that he believes that an increase of the poll tax to two dollars is out of proportion to the increase on property tax. If the tax had been increased on property to four mills he would then have voted for a two dollar poll tax, and upon increase of the property tax to three mills he will vote for a tax of one dollar and fifty cents on the poll tax.

Mr. W. J. MONTGOMERY moved to strike out "one dollar" in line 15 and insert the words "one dollar and fifty cents."

Mr. W. D. EVANS moved to lay the proposed amendment on the table.

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows:

Yeas, 100; nays, 21.

Those who voted in the affirmative are:

Yeas—Hon. John Gary Evans, President, and Messrs. Anderson, Ashe, Atkinson, Austin, Barry, Bates, Behre, Bowen, Bowman, Bradham, J. S. Brice, T. W. Brice, Bryan, Buist, Burn, Cantey, Carver, Clayton, Cooper, DeHay, Dennis, Dent, Douglass, Dudley, Efird, Estridge, W. D. Evans, Farrow, Field, Fitch, Floyd, Fraser, Gage, Garris, Gilland, J. L. Glenn, Graham, Gray, Gunter, Hamel, Harris, Hay, Haynsworth, Hemphill, D. S. Henderson, Henry, Houser, Howell, Jervey, T. E. Johnson, George Johnstone, Ira B. Jones, Keitt, J. W. Kennedy, Lee, Lowman, Lybrand, McCalla, McDermotte, McKagen, McMakin, McWhite, Mitchell, Moore, Morrison, Mower, Nash, Nicholson, Oliver, Otts, Parler, Patterson, Peake, Ragsdale, J. H. Read, Redfearn, I. R. Reed, Rogers, Rosborough, Rowland, Russell, Scarborough, Sheppard, Smalls, A. J. Smith, W. C. Smith, Smoak, Stribling, Sullivan, Talbert, Taylor, G. D. Tillman, Von Kolnitz, A. H. White, Wiggins, Stanyarne Wilson, W. B. Wilson, Winkler, and Woodward.—100.

Those who voted in the negative are:

Nays—Messrs. Barker, Barton, Berry, Doyle, J. P. Glenn, Gooding, Hutson, E J. Kennedy, Klugh, McGowan, W. J. Montgomery, Patton, Perritte, R. F. Smith, Stackhouse, Stokes, B. R. Tillman, Timmerman, Waters, Watson, and Wells.—21.

PAIRS.

Mr. PRINCE stated that he was paired with Mr. McCown, otherwise he would vote "no."

Mr. McMAHAN stated that he was paired with Mr. Wharton, otherwise he wonld vote "no."

Mr. McCASLAN stated that he was paired with Mr. Gamble, otherwise he would have voted "no."

Mr. GARY stated that he was paired with Mr. Jeremiah Smith, otherwise he would vote "yea."

Mr. WILIE JONES stated that he was paired with Mr. Sloan, otherwise he would vote "yea."

Mr. SHEPPARD moved to amend line 15 by striking out the word "sixty" and inserting the word "fifty."

Mr. SHEPPARD spoke in support of his proposed amendment.

Debate continued by Mr. Mitchell.

Mr. MITCHELL moved to lay the amendment on the table.

The question being put: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 56; nays, 60.

Those who voted in the affirmative are:

Yeas—Hon. John Gary Evans, President, and Messrs. Ashe, Barker, Barton, Bates, J. S. Brice, Bryan, Buist, Burn, Cantey, Cooper, W. D. Evans, Farrow, Fitch, J. L. Glenn, Gooding, Gunter, Harris, D. S. Henderson, Howell, Hutson, Jervey, George Johnstone, Wilie Jones, Keitt, E. J. Kennedy, Klugh, Lybrand, McCalla, McGowan, McKagen, McMahan, McWhite, Mitchell, W. J. Montgomery, Moore, Nathans, Oliver, Parler, Patterson, Perritte, Prince, Rogers, Russell, Scarborough, A. J. Smith, R. F. Smith, Stribling, Sullivan, B. R. Tillman, Von Kolnitz, Watson, Wells, A. H. White, W. B. Wilson, and Woodward.—56.

Those who voted in the negative are:

Nays—Messrs. Anderson, Atkinson, Austin, Barry, Berry, Bowen, Bradham, T. W. Brice, Carver, DeHay, Dennis, Dent, Douglass, Doyle, Dudley, Estridge, Field, Fraser, Gage, Garris, Gilland, J. P. Glenn, Graham, Gray, Hamel, Hay, Haynsworth, Henry, Houser, T. E. Johnson, Ira B. Jones, J. W. Kennedy, Lowman, McCaslan, McDermotte, McMakin, Morrison, Nash, Nicholson, Otts, Peake, Ragsdale, J. H. Read, Redfearn, I. R. Reed, Rowland, Sheppard, Smalls, W. C. Smith, Smoak, Stackhouse, Talbert, Taylor, G. D. Tillman, Timmerman, Waters, S. E. White, Wiggins, Stanyarne Wilson, and Winkler.—60.

Mr. EFIRD stated that he was paired with Mr. Mower, or he would have voted "yea."

Mr. HEMPHILL stated that he was paired with Mr. Lee, otherwise he would vote "no."

The question being put on the amendment proposed by Mr. Sheppard: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 52; nays, 61.

Those who voted in the affirmative are:

Yeas—Messrs. Anderson, Atkinson, Austin, Barry, Bowen, Bowman, T. W. Brice, Carver, DeHay, Dennis, Dent, Douglass, Doyle, Estridge, Field, Fraser, Gilland, J. P. Glenn, Graham, Gray, Hamel, Hay, Haynsworth, T. E. Johnson, Ira B. Jones, J. W. Kennedy, McCaslan, McDermotte, McKagen, McMakin, Morrison, Nash, Otts, Peake, Ragsdale, J. H. Read, Redfearn, I. R. Reed, Rowland, Sheppard, Smalls, Smoak, Stackhouse, Talbert, Taylor, G. D. Tillman, Timmerman, Waters, S. E. White, Wiggins, Stanyarne Wilson, and Winkler.—52.

Those who voted in the negative are:

Nays—Hon. John Gary Evans, President, and Messrs. Ashe, Barker, Barton, Bates, Behre, Berry, J. S. Brice, Bryan, Buist, Burn, Cantey, Cooper, Farrow, Fitch, Floyd, Gage, J. L. Glenn, Gooding, Gunter, Harris, D. S. Henderson, Houser, Howell, Hutson, Jervey, George Johnstone, Wilie Jones, Keitt, E. J. Kennedy, Klugh, Lowman, Lybrand, McCalla, McGowan, McMahan, McWhite, Mitchell, W. J. Montgomery, Moore, Nathans, Nicholson, Oliver, Parler, Patterson, Perritte, Prince, Rogers, Russell, Scarborough, A. J. Smith, R. F. Smith, W. C. Smith, Stribling, Sullivan, Von Kolnitz, Watson, Wells, A. H. White, W. B. Wilson, and Woodward.—61.

Mr. HEMPHILL stated that he was paired with Mr. Lee, otherwise he would vote "yea."

Mr. EFIRD stated that he was paired with Mr. Mower, otherwise he would vote "yea."

Mr. DUDLEY stated that he was paired with Mr. W. D. Evans, otherwise he would vote "aye."

Mr. HENRY stated that he was paired with Mr. Wharton, otherwise he would vote "yea."

Mr. B. R. TILLMAN stated that he was paired with Mr. Garris, otherwise he would vote "no."

Mr. GEORGE JOHNSTONE offered the following amendment: Add to line 13, Section 6, the words "the manner of their selection need not be uniform throughout the State."

Mr. HEMPHILL presented the account of Charles A. Calvo, Jr., for printing; which was read the first time and referred to the Committee on Contingent Accounts and Expenses.

THE STATE OF SOUTH CAROLINA

TO CHARLES A. CALVO, JR., DR.

1895.

Nov. 15. To ptg 200 copies Convention Journal, Nov. 7 to 13th inclusive—

50¼ L. P. pp. @ $1.07	$53 77	
11¾ Brev. pp.=16½ L. P.	17 65—	$ 71 42
To ptg 200 Convention Calendars, Nov. 8 to 14 inclusive—		
24 L. P. pp. @ $1.07		25 68
To ptg and ruling signature roll of members—		
4 forms		15 00
To ptg 200 copies Bill matter, 20 pp. @ $1.87.		37 40
To ptg 200 House rolls		8 00
To ptg 500 copies Permanent Journal, sigs. 28 to 32 inclusive—		
35½ L. P. pp. @ $1.00	$35 50	
33¼ Brev. pp.=47¼ L. P. @ $1.00	47 25	
10¾ Min. pp.=19 L. P. @ $1.00	19 00—	101 75
Extra for 21¼ Brev. pp. and 10¾ Min. pages printed only in Permanent Journal (Speeches)	$32 10	
	20 33—	52 43
		$311 68

Personally appears Charles A. Calvo, Jr., who, being duly sworn, says that the above account is just and true, and that no part thereof has been paid by discount or otherwise. CHARLES A. CALVO, JR.

Sworn to before me November 15, 1895.

GEO. W. PARKER, [L. S.]

Notary Public, S. C.

The pending question being the proposed amendment of Mr. George Johnstone,

On motion of Mr. B. R. TILLMAN, the Convention receded from business until 7:30 P. M. this day.

RECESS.

The PRESIDENT resumed the chair at 7:30 P. M.

UNFINISHED BUSINESS.

No. 41, report of the Committee on Education (Mr. Mitchell for Committee).

Section 6. The pending question being the amendment proposed by Mr. George Johnstone, printed in the Journal of this morning.

Mr. JOHNSTONE spoke in support of his proposed amendment.

Debate continued by Mr. Smalls.

The question being put, the amendment was adopted.

Mr. W. C. SMITH moved to amend as follows: line 12, by inserting before the word "three" the words "not less than."

Mr. G. D. TILLMAN moved to amend the amendment by inserting the words "nor more than five" after the word "three."

The question being put, the Convention refused to adopt the amendment to the amendment.

The amendment proposed by Mr. W. C. Smith was then adopted.

Mr. T. E. JOHNSON moved to amend as follows: line 17 by striking out all after and including the word "whenever," down to and including the word "funds" in line 28.

Mr. OTTS moved to lay the proposed amendment on the table; which was agreed to.

Mr. BUIST moved to amend as follows: Add to the end of the Section the following: "The General Assembly shall provide for the maintenance of the Winthrop Normal and Industrial College and shall appropriate or invest all moneys or other property given or may hereafter be given in aid of said college."

Mr. BUIST spoke in support of his proposed amendment.

Mr. D. S. HENDERSON moved that the further consideration of this proposed amendment be adjourned, to be taken up and considered with Section 8; which was agreed to.

Mr. BUIST asked and obtained permission to withdraw his amendment.

Mr. T. E. JOHNSON moved to amend by striking out lines 29, 30, 31, 32, 33, 34, 35, 36 and 37.

On motion of Mr. HUTSON, the proposed amendment was laid on the table.

Mr. E. J. KENNEDY offered the following, and requested that it be printed in the Journal as an amendment he will move to Section 6 on the third reading thereof; which was agreed to:

Mr. E. J. Kennedy moves to further amend Section six (6) by striking out all after the word "collected," on line seventeen (17), down to and including the word "therein," on line twenty-five, and inserting the following:

"Whenever the tax levied by the said County Board of Commissioners or similar officer and the poll tax shall not yield an amount equal

to three dollars ($3.00) *per capita* of the number of children enrolled in the public schools of each County for the preceding scholastic year as it appears in the report of the State Superintendent of Education for said preceding scholastic year, the Comptroller General shall for the next ensuing scholastic year, on the first day of each of said years, levy such an annual tax on the taxable property of the State as he may determine to be necessary to make up such deficiency, to be collected as other State taxes, and apportion the same among the Counties of the State in proportion to the respective deficiencies therein."

And then by striking out all after the word "funds," on line 28, commencing with the word "and," on line 29, down to and including the word "be," on line 35.

The Section as amended was adopted.

Mr. BUIST moved to take up No. 56, an ordinance to postpone the next regular session of the General Assembly from the fourth Tuesday in November, 1895, to the second Tuesday in January, 1896. (Mr. Wells); which was agreed to.

Mr. EFIRD moved to amend the ordinance by striking out the word "second" and inserting in lieu thereof the word "first."

After debate by Messrs. Efird, Bowman, Estridge, McCalla and Timmerman,

Mr. McCALLA moved to lay the amendment on the table; which was agreed to.

The ordinance was read a second time, adopted, and ordered engrossed for a third reading to-morrow.

Mr. FIELD moved to take up out of its order No. 58, "An ordinance defining the pay and mileage of the members, officers and employees of this Convention;" which was agreed to.

Mr. FIELD moved to make this a special order for Monday next at 8 P. M., and from day to day until disposed of: which was agreed to.

Mr. OTTS moved to take up out of its order Calendar No. 29, report of the Committee on Counties and County Government; which was agreed to.

Mr. OTTS moved to make this a special order for Tuesday next at 8 P. M., and from day to day until disposed of; which was agreed to.

The Convention resumed the consideration of Calendar No. 41, report of the Committee on Education.

Section 7. Mr. ROGERS moved to amend as follows: "Add to the end of the Section the words "and no child of either race shall ever be permitted to attend a school provided for children of the opposite race;" which was agreed to.

The Section as amended was adopted.

Section 8. Mr. I. R. REED offered the following substitute for Section 8 :

"The General Assembly shall provide for the maintenance of Clemson Agricultural College and the State University, also for the establishment and maintenance of a Normal and Industrial College for the colored race, and may create scholarships therein. The proceeds realized from the land scrip given by the Act of Congress, passed July 2, 1862, for the support of an agricultural college, and any lands or funds which have heretofore been or may hereafter be given or appropriated for educational purposes, shall be applied as directed in the Acts appropriating the same."

After debate by Messrs. I. R. Reed, G. D. Tillman, B. R. Tillman, and Smalls,

Mr. SMALLS moved to adjourn the debate on this Article until 10 A. M. to-morrow ; which was agreed to.

PROPOSED AMENDMENT.

By Mr. MITCHELL—

"Amend Section 8, line 2, by striking out the words "the State University" and inserting the words "the University of South Carolina."

PROPOSED SUBSTITUTE FOR SECTION 8.

By Mr. BUIST—

"The General Assembly shall provide for the maintenance of the Clemson Agricultural College and shall appropriate the proceeds realized from the land scrip given by Act of Congress, passed July 2d, 1862, for the support of an agricultural college, and any lands or funds which heretofore have been or may hereafter be given or appropriated for educational purposes shall be applied as directed in the Acts appropriating the same. The General Assembly shall provide for the support of the South Carolina College and Citadel Academy, and may establish an agricultural, mechanical, normal and industrial college for the training of colored youths."

REPORT OF STANDING COMMITTEE.

Mr. BOWMAN submitted the following report :

The Committee on Engrossed Resolutions and Ordinances, to whom was referred an ordinance to validate and carry into effect the subscriptions to the capital stock of the Carolina, Knoxville and Western Railroad Com-

pany by the voters of Greenville County, beg leave to report that the same has been correctly engrossed and revised.

I. W. BOWMAN,
For Committee.

Received as information.

Mr. FARROW submitted the following report :

The Committee on Engrossed Resolutions and Ordinances, to whom was referred an Article relating to corporations, beg leave to report that the same has been correctly engrossed and revised.

A. S. FARROW,
For Committee.

Received as information.

LEAVES OF ABSENCE.

Mr. STANYARNE WILSON was granted leave of absence until Tuesday night next.

Indefinite leave was granted to Mr. Barker on account of sickness ; to Mr. Keitt until Tuesday evening.

Mr. ALEXANDER was excused from the night session on account of sickness.

The pending question being the substitute proposed by Mr. Reed, Mr. Smalls having the floor,

On motion of Mr. TAYLOR, the Convention, at 11 P. M., adjourned until 10 A. M. to-morrow.

FORTY-NINTH DAY.

Saturday, November 16, 1895.

The Convention assembled at 10 o'clock A. M.

The Secretary called the roll—116 Delegates answered to the call, as follows :

Hon. John Gary Evans, President, and Messrs. Anderson, Ashe, Atkinson, Austin, Barry, Barton, Bates, Behre, Berry, Bowen, Bow-

man, J. S. Brice, Bryan, Buist, Carver, Clayton, Cooper, Cunningham, DeHay, Dennis, Dent, Derham, Douglass, Doyle, Dudley, Efird, Ellerbe, Estridge, W. D. Evans, Farrow, Field, Fitch, Floyd, Fraser, Gage, Garris, Gary, Gilland, J. L. Glenn, J. P. Glenn, Gooding, Graham, Gray, Gunter, Hamel, Harris, Haynsworth, Hemphill, D. S. Henderson, Henry, Hutson, Jervey, T. E. Johnson, George Johnstone, Ira B. Jones, Wilie Jones, E. J. Kennedy, J. W. Kennedy, Klugh, Lee, Lowman, Lybrand, McCalla, McCaslan, McCown, McDermotte, McGowan, McKagen, McMahan, McMakin, McWhite, Mitchell, Moore, Mower, Nash, Nicholson, Oliver, Otts, Parler, Patterson, Patton, Peake, Perritte, Prince, J. H. Read, Redfearn, I. R. Reed, Rogers, Rosborough, Rowland, Russell, Scarborough, Sheppard, Shuler, Sligh, Sloan, Smalls, A. J. Smith, R. F. Smith, W. C. Smith, Smoak, Stackhouse, Stribling, Sullivan, Taylor, B. R. Tillman, G. D. Tillman, Timmerman, Von Kolnitz, Waters, Watson, A. H. White, Wiggins, Winkler and Woodward.

The PRESIDENT took the chair.

A quorum being present, the deliberations were opened with prayer by the Rev. Mr. ABNEY.

The Journal of yesterday's proceedings was read and confirmed.

LEAVES OF ABSENCE.

For the day to Mr. Ellerbe; indefinite leave to Messrs. Berry, S. E. White and Perritte; until Monday, the 24th, to Mr. Sheppard; until Monday next to Messrs. Cantey, Redfearn, Gary and Morrison; until Tuesday to Messrs. Gamble and DeHay.

REPORT OF STANDING COMITTEES.

Mr. McCOWN submitted the following report:

The Committee on Engrossed Resolutions and Ordinances, to whom was referred an Ordinance, No. 56, relating to the postponement of the next regular session of the General Assembly, beg leave to report that the same has been correctly engrossed and revised.

R. M. McCOWN, for Committee.

Received as information.

Mr. FIELD submitted the following report, which was considered immediately, adopted, and the account ordered paid:

The Committee on Contingent Accounts and Expenses, to whom was referred the bill of Charles A. Calvo, Jr., for printing amounting

to $311.68, respectfully report that they have carefully examined the same, and recommend it be paid.

(Signed) W. T. FIELD, Chairman, for Committee.

Mr. SHEPPARD submitted the following resolution, which was considered immediately and adopted :

"*Resolved*, That it be referred to the Committee on Finance and Taxation to ascertain and report, as soon as practicable, what provision, if any, is rendered necessary by the proposed postponement of the next regular session of the General Assembly for meeting the January interest on the State debt, the ordinary expenses of the State government and the support and maintenance of the various institutions conducted by the State, and any other expenses which it may be necessary to provide for before the next meeting of said General Assembly ; and in case such provision should be required, said Committee is hereby instructed to prepare and present with their report such ordinance or ordinances as may be requisite in the premises."

UNFINISHED BUSINESS.

No. 41, report of the Committee on Education.

Section 8. The Convention resumed the consideration of the substitute proposed by Mr. I. R. Reed, and printed in the Journal of yesterday, pages 10 and 11.

Mr. ANDERSON spoke in support of the substitute.

Debate continued by Messrs. Mitchell, McMahan and Hutson.

Mr. REED amended his proposed substitute by inserting after the words "Industrial College for the colored race" the following words : "as a part of the University of South Carolina."

Mr. DOYLE offered the following as a substitute for the Section and all amendments thereto :

"The General Assembly shall provide for the maintenance of the Clemson Agricultural College, the Winthrop Normal and Industrial College, and shall establish an agricultural, mechanical and industrial college for colored people. Funds now on hand or hereafter acquired from the United States Government shall be applied to the Clemson Agricultural College and the Agricultural, Mechanical and Industrial College for colored people herein provided for in the manner and proportion now provided by law."

Mr. REED asked and obtained permission to withdraw his proposed substitute.

Mr. DOYLE asked and obtained permission to withdraw his proposed substitute.

Mr. MITCHELL asked and obtained permission to withdraw his proposed amendment printed in the Journal of yesterday, page 11.

Mr. HUTSON moved to amend as follows: Strike out on line 2 the words "The State University" and insert in lieu thereof the words "The University of South Carolina as now established by law;" which was agreed to.

Mr. WATSON moved to amend by striking out on line 1 the word "shall" and inserting the word "may" in lieu thereof.

Mr. WATSON addressed the Convention in support of his amendment. His time having expired,

Mr. ROGERS moved that further debate be adjourned upon this Section until Monday at 8 P. M.

The question being put, the motion was rejected.

Mr. W. D. EVANS moved that Mr. Watson be granted unlimited time; which was agreed to.

Mr. WATSON resumed the floor and continued his remarks.

Debate continued by Mr. Jervey.

Mr. W. D. EVANS moved that when this Convention adjourn it stands adjourned until 12 M. Monday next; which was agreed to.

Debate continued by Messrs. Sligh and Miller.

Mr. PRINCE moved that further debate on this Section be adjourned until 12 M. Monday next; which was agreed to.

The pending question being the proposed amendment of Mr. Watson,

Mr. WOODWARD requested that the following proposed amendment be printed in the Journal:

Amendment to be added to end of Section 8—

Provided, That the General Assembly shall not at any time make an annual appropriation to these institutions of higher education a sum exceeding one-tenth of the sum raised from all sources (except that raised by voluntary taxation) for the free public schools of the State.

THIRD READING.

No. 56, an ordinance to postpone the next regular session of the General Assembly from the fourth Tuesday in November, 1895, to the second Tuesday in January, 1896, was taken up, read the third

time, adopted, and orderred referred to the Committee on Order, Style and Revision.

On motion of Mr. ROGERS, at 2 P. M., the Convention adjourned until 12 M. on Monday next.

FIFTIETH DAY.

Monday, November 18, 1895.

The Convention assembled at 12 o'clock M.

The Secretary called the roll, 106 delegates being present and answering to their names, as follows:

Hon. John Gary Evans, President, and Messrs. Alexander, Anderson, Ashe, Atkinson, Austin, Barry, Barton, Bates, Behre, Bowen, Bowman, Bradham, T. W. Brice, Bryan, Buist, Cantey, Carver, Clayton, Cooper, Dent, Derham, Douglass, Doyle, Dudley, Efird, Estridge, W. D. Evans, Farrow, Field, Fitch, Floyd, Fraser, Gage, Garris, J. L. Glenn, J. P. Glenn, Gooding, Graham, Gray, Gunter, Hamel, Harris, Haynsworth, Hemphill, D. S. Henderson, Henry, Hutson, Jervey, T. E. Johnson, George Johnstone, Ira B. Jones, Wilie Jones, E. J. Kennedy, J. W. Kennedy, Klugh, Lee, Lowman, Lybrand, McCaslan, McCown, McDermotte, McGowan, McKagen, McMahan, McMakin, McWhite, Miller, Mitchell, Moore, Murray, Nicholson, Oliver, Otts, Parler, Parrott, Patterson, Patton, Peake, Prince, J. H. Read, I. R. Reed, Rogers, Rosborough, Rowland, Russell, Scarborough, Sloan, Smalls, A. J. Smith, W. C. Smith, Smoak, Stackhouse, Stokes, Stribling, Sullivan, Talbert, Taylor, B. R. Tillman, G. D. Tillman, Timmerman, Von Kolnitz, Waters, Watson, A. H. White, Wiggins, Winkler, and Woodward.—106.

The PRESIDENT took the chair.

A quorum being present, the deliberations were opened with prayer by the Rev. Mr. PARROTT.

The Journal of yesterday's proceedings was read and confirmed.

LEAVES OF ABSENCE.

Indefinite leave to Messrs. Nash, Farrow and Dennis; until Tuesday to Mr. Singletary.

UNFINISHED BUSINESS.

No. 41, report of Committee on Education.

Section 8. The pending question being the motion of Mr. Watson to strike out the word "shall" on line 1 and insert in lieu thereof the word "may."

After debate by Messrs. Prince, Hutson, W. C. Smith, Clayton, D. S. Henderson and G. D. Tillman,

On motion of Mr. BATES, the Convention, at 2 P. M., receded from business until 7.30 P. M. this day.

RECESS.

The PRESIDENT resumed the chair at 7:30 P. M.

LEAVES OF ABSENCE

Until to-morrow were granted to Messrs. McKagen and Mower.

REPORT OF STANDING COMMITTEE.

Mr. FRASER, for the Committee on Order, Style and Revision, to whom was referred an ordinance, No. 56, relating to the postponement of the next regular session of the General Assembly, beg leave to report that they recommend the insertion of a comma after the word "January," on the fifth line in the "printed Bill;" and also to strike out on the same line the words "which shall be," and thus amended, that the same be enrolled and ratified.

The proposed amendments were agreed to.

The ordinance as amended was adopted and ratified.

Mr. FIELD moved to take up the Special Order, Calendar No. 58, an ordinance defining the pay and mileage of the members, officers and employees of the Convention.

Mr. EFIRD objected.

The Convention proceeded to the consideration of

UNFINISHED BUSINESS.

No. 41, report of the Committee on Education.

Section 8. The pending question being the proposed amendment of Mr. Watson printed in the Journal of this morning,

After debate by Messrs. Von Kolnitz and McMahan,

Mr. EFIRD moved that at 9.30 P. M. a vote be taken upon the proposed amendment of Mr. Watson; which was agreed to.

Debate continued by Messrs. Buist, Gage, Bryan and Parrott.

Mr. COOPER moved to reconsider the vote whereby 9:30 P. M. had been fixed as the time for taking the vote on the proposed amendment of Mr. Watson; which was agreed to.

Mr. HUTSON moved that the vote be taken at 10.55 o'clock on the amendment; which was agreed to.

The following gentlemen spoke in favor of the amendment: Messrs. Parrott, Haynsworth, Bates and Watson.

Mr. MITCHELL closed the debate on the amendment, speaking against it.

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows:

Yeas, 63; nays, 49.

Those who voted in the affirmative are:

Yeas—Messrs. Alexander, Ashe, Atkinson, Austin, Barry, Behre, Bobo, Bowen, Bowman, Bradham, T. W. Brice, Carver, Cooper, Cunningham, Derham, Doyle, Dudley, Ellerbe, Estridge, Field, Floyd, Gage, Garris, J. L. Glenn, Gooding, Graham, Hamel, Harris, Harrison, Haynsworth, Hemphill, Henry, Ira B. Jones, J. W. Kennedy, Klugh, Lowman, Lybrand, McDermotte, J. D. Montgomery, W. J. Montgomery, Murray, Otts, Parrott, Prince, Redfearn, Rosborough, Rowland, Russell, Shuler, Sligh, A. J. Smith, W. C. Smith, Smoak, Stokes, Stribling, Sullivan, Talbert, Taylor, G. D. Tillman, Timmerman, Waters, Watson, and Winkler.—63.

Those who voted in the negative are:

Nays—Hon. John Gary Evans, President, and Messrs. Anderson, Barton, Bryan, Buist, Cantey, Clayton, Efird, W. D. Evans, Fitch, Fraser, J. P. Glenn, D. S. Henderson, Hutson, Jervey, George Johnstone, Wilie Jones, E. J. Kennedy, Lee, McCalla, McCaslan, McGowan, McMahan, McWhite, Meares, Miller, Mitchell, Moore, Nash, Nicholson, Oliver, Patterson, Patton, Ragsdale, J. H. Read,

I. R. Reed, Rogers, Scarborough, Singletary, Sloan, Smalls, B. R. Tillman, Von Kolnitz, Wells, A. H. White, S. E. White, Wiggins, Stanyarne Wilson, and Woodward.—49.

Mr. WATSON moved to reconsider the vote whereby the Convention adopted the amendment, and to lay that motion on the table; which was agreed to.

PAIRS.

Mr. BATES stated that he was paired with Mr. J. S. Brice, otherwise he would have voted "aye."

Mr. DOUGLASS stated that he was paired with Mr. Barker, otherwise he would vote "aye."

Mr. GUNTER stated that he was paired with Mr. DeHay, otherwise he would vote "no."

Mr. T. E. JOHNSON stated that he was paired with Mr. Keitt, otherwise he would vote "aye."

Mr. HOUSER stated that he was paired with Mr. Nathans, otherwise he would vote "aye."

Mr. PARLER stated that he was paired with Mr. Farrow, otherwise he would vote "aye."

Mr. PEAKE stated that he was paired with Mr. Mower, otherwise he would vote "aye."

REASON FOR VOTING.

I shall vote for Section 8 on its second reading for the following reason: Because I believe that common school education and higher education should co-exist together and that the one is necessary to the other, and that the State should provide liberally for the support of both, but if the Convention shall fail to make a liberal provision for the support of her common schools I shall refuse to vote for the Section on its third reading.

E. J. KENNEDY.

PROPOSED AMENDMENTS TO SECTION 8.

By Mr. MILLER—

Amend Section 8 by adding after the end of the Section the following: "*Provided,* That Claflin College is hereby divorced and separated from the management, control or any connection whatever with Claflin University, and that the professors and instructors of Claflin College be men or women of the negro race."

By Mr. DERHAM—

SECTION 8. The General Assembly in appropriating money for the institutions of higher education in this State shall at no time make an annual

appropriation to exceed one-tenth of the money actually paid to teachers annually in the free common schools of this State from the funds provided for in this Article.

SECTION TO BE ADDED AT THE END OF THE ARTICLE.

By Mr. BEHRE—

SECTION —. The General Assembly shall provide for the selection and purchase of such books, maps and charts as may be necessary for the use of the pupils attending the public schools and for the care and disposition of same: *Provided,* That payment for the same may be made from the school fund herein provided.

Mr. ELLERBE moved to take up—

No. 44. That with a view to save the necessity and expense of holding the approaching session of the General Assembly it be referred to Committees on Finance and Taxation and on the Legislative Department to frame and present for the consideration of this Convention an ordinance providing for such tax levies and appropriations as may be necessary to carry on the State and County government until the first session of the General Assembly, to be held as provided for under this Constitution;

Which was agreed to.

Mr. ELLERBE moved to lay No. 44 on the table; which was agreed to.

On motion of Mr. COOPER, at 11:10 P. M., the Convention adjourned until 10 A. M. to-morrow.

FIFTY-FIRST DAY.

Tuesday, November 19, 1895.

The Convention assembled at 10 o'clock A. M.

The Secretary called the roll.

The following delegates answered to their names:

Hon. John Gary Evans, President, and Messrs. Alexander, Anderson, Ashe, Atkinson, Austin, Barry, Barton, Bates, Behre, Bobo,

Bowen, Bowman, Bradham, T. W. Brice, Bryan, Buist, Burn, Cantey, Carver, Clayton, Cooper, Cunningham, Dennis, Dent, Derham, Douglass, Doyle, Dudley, Efird, Ellerbe, Estridge, W. D. Evans, Field, Fitch, Floyd, Fraser, Gage, Garris, J. L. Glenn, J. P. Glenn, Gooding, Graham, Gray, Gunter, Hamel, Harris, Harrison, Haynsworth, Hemphill, D. S. Henderson, Henry, Houser, Hutson, Jervey, T. E Johnson, George Johnstone, Ira B. Jones, Wilie Jones, E. J. Kennedy, J. W. Kennedy, Klugh, Lee, Lowman, Lybrand, McCalla, McCaslan, McCown, McDermotte, McGowan, McMahan, McMakin, McWhite, Meares, Miller, Mitchell, J. D. Montgomery, W. J. Montgomery, Moore, Morrison, Murray, Nash, Nicholson, Oliver, Otts, Parler, Parrott, Patterson, Patton, Peake, Perritte, Prince, Ragsdale, J. H. Read, Redfearn, I. R. Reed, Rogers, Rosborough, Rowland, Russell, Scarborough, Shuler, Sloan, Smalls, Singletary, Sligh, A. J. Smith, W. C. Smith, Smoak, Stackhouse, Stokes, Stribling, Talbert, Taylor, B. R. Tillman, G. D. Tillman, Timmerman, Von Kolnitz, Waters, Watson, Wells, Wharton, A. H. White, S. E. White, Wiggins, Stanyarne Wilson, Winkler, and Woodward.

Present, 135.

The PRESIDENT took the chair.

A quorum being present, the deliberations were opened with prayer by the Rev. Mr. ABNEY.

The Journal of yesterday's proceedings was read and confirmed.

LEAVE OF ABSENCE

Was granted to Mr. Gilland until Wednesday next.

REPORT OF STANDING COMMITTEE.

Mr. FRASER, for the Committee on Order, Style and Revision, submitted the following report:

The Committee on Order, Style and Revision, to whom was referred an ordinance to provide that the General Assembly may enact such laws as may be necessary to validate and carry into effect subscriptions to the capital stock of certain railroad companies heretofore voted by the County of Chesterfield and by the city of Spartanburg respectively, and to validate and authorize the issue of bonds in payment of the same, beg leave to report, That the word "regular" after the word "in" on the first line of the printed ordinance be stricken out; that the words "the State of" on the fourth line before the words "South Carolina" be stricken out; that the word "regular" on the fourth line after the word "in" be stricken out; that the word "inhibit" on the fourth line be stricken out and the word

"prohibit" be inserted; that the word "all" on the fifth line after the word "enacting" be stricken out; that the word "said" on line eight be stricken out and the word "Chesterfield" be inserted; that the word "all" on the tenth line after the word "enacting" be stricken out; that on line thirteen the words "the city of" be inserted after the words "voters of," and on the same line the word "city" after the word "Spartanburg" be stricken out.

All of which is respectfully submitted.

T. B. FRASER.
Chairman.

The proposed amendments were agreed to and the ordinance ordered engrossed for ratification.

THIRD READING.

No. 52, an ordinance relating to subscriptions by Greenville County to certain railroads, (Mr. Gray,)

Was read the third time, adopted and referred to the Committee on Order, Style and Revision.

UNFINISHED BUSINESS.

No. 41, report of the Committee on Education.

Section 8. Mr. DERHAM addressed the Convention in support of his proposed amendment, printed in the Journal of yesterday, pages 4 and 5.

Mr. ROGERS moved to amend the amendment by striking out the words "one-tenth" and inserting the words "one-sixth."

After debate by Messrs. Rogers and Meares,

Mr. AUSTIN moved to lay the amendment of Mr. DERHAM on the table; which was agreed to.

Mr. MILLER asked and obtained permission to withdraw his proposed amendment, printed in the Journal of yesterday, page 4.

Mr. MILLER moved to amend as follows:

Provided, That Claflin College shall never be directly or indirectly under the management or control of Claflin University, neither shall Claflin College ever be connected in any way with Claflin University, and the professors and instructors of Claflin College shall be Southern men or women of the negro race.

Mr. MILLER spoke in support of his amendment.

Mr. SMALLS moved to amend the amendment by striking out the words "shall be Southern men or women of the negro race."

Mr. SMALLS spoke in support of his amendment.

Mr. MILLER accepted the amendment so far as to strike out the word "Southern."

Mr. REED offered the following substitute for the amendment and the amendment to the amendment:

Provided, That in lieu of Claflin College there shall be established and maintained a normal, industrial, mechanical and agricultural college for the higher education of the negro race, having no connection with Claflin University, whose professor and instructors shall be of the negro race.

Mr. REED spoke in support of his proposed substitute.

Debate continued by Messrs. W. D. Evans, Bowman and B. R. Tillman.

Mr. MILLER asked and obtained permission to withdraw his proposed amendment.

Mr. REED asked and obtained permission to withdraw his proposed substitute.

Mr. B. R. TILLMAN offered the following to be added to Section 8: "*Provided,* That the General Assembly shall as soon as practicable divorce entirely Claflin College from Claflin University, and provide for a separate corps of professors and instructors therein, representation to be given to men and women of the negro race, and it shall be the Colored Normal Industrial Agricultural and Mechanical College of this State;" which was agreed to.

Mr. B. R. TILLMAN moved to amend line 6 by inserting after the word "purposes" the words "by the National Government."

After debate by Messrs. B. R. Tillman and G. D. Tillman, the question being put, the amendment was adopted.

Mr. BUIST asked and obtained permission to withdraw his proposed substitute, printed in the Journal of Friday, the 25th, page 11.

The Section as amended was adopted.

Section 9. Mr. GAGE moved to amend line 6 by inserting between the first "of" and "any" the words "or conducted in connection therewith;" which was agreed to.

Mr. BUIST moved to strike out the entire Section.

Mr. MEARES moved to lay the motion on the table; which was agreed to.

Mr. WATSON moved to amend as follows: Add to the Section "The property or credit of the State of South Carolina, or of any County, city, town, township, school district, or other subdivision of said State, or any public money, from whatever source derived, shall not, by gift, donation, loan, appropriation, or otherwise, be used, directly or indirectly, in aid or maintenance of any college, school,

orphan house, or other institution, society or organization, of whatever kind, which is wholly or in part under the direction or control of any church or of any religious or sectarian denomination, society or organization."

Mr. BATES moved to lay the amendment on the table.

The question being put, the motion to table was rejected.

The amendment was then agreed to.

The Section as amended was adopted.

Section 10 was adopted as reported by the Committee.

Section 11. Mr. MITCHELL moved to amend as follows: On line 2, by inserting after the word "property" the words "the net assets or funds of all estates or copartnerships in the hands of the Courts of the State where there have been no claimants for the same within the last seventy years;" which was agreed to.

The Section as amended was adopted.

Section 12. Mr. MITCHELL offered the following substitute:

SECTION 12. All the net income to be derived by the State from the sale or license for the sale of spirituous, malt, vinous and intoxicating liquors and beverages, not including so much thereof as is now or may hereafter be allowed by law to go to the Counties and municipal corporations of the State, and the profits of the Penitentiary, shall be applied annually in aid of the supplementary tax provided for in the sixth Section of this Article; and if after said application there should be a surplus, it shall be devoted to public school purposes and apportioned as the General Assembly may determine. All waste and unappropriated lands belonging to the State, which terms shall include marsh and tide-water lands, but not the phosphate royalty or phosphate deposits, and all the income to be derived from said lands by leasing them, shall be set apart and be and remain forever a perpetual school fund for the support of the public schools of this State. All funds to be derived from the sale of the aforesaid lands, if the General Assembly should ever deem it advantageous to sell the same, shall be securely invested and the interest derived therefrom alone shall be appropriated.

Mr. EFIRD offered the following as a substitute for the substitute proposed by Mr. Mitchell, and for Section 12:

Section 12. All profits by the State from the sale or license for the sale of alcoholic liquors or beverages, not including so much thereof as is now or may hereafter be allowed by law to go to the Counties and municipal corporations of the State, and the Penitentiary profits, shall be devoted to public school purposes. This fund shall be apportioned by the Comptroller General among the Counties of the State in such way as to bring up any deficiency in any County, from the three mill and poll tax to an amount sufficient to make a four dollar per capita of average attendance in the

public schools in each County. This fund shall be apportioned and disbursed in said Counties as school taxes. Whenever such profits added to the three mill and poll tax shall be more than sufficient to make up a per capita of four dollars of all the pupils in average attendance in the schools of the State, then the Comptroller General shall reduce the three mill levy in an amount equal to such surplus. All calculations under this Section shall be made on the basis of the average attendance on the public schools for the past scholastic year and the Dispensary and Penitentiary profits for the past fiscal year.

After debate by Messrs. Mitchell and Efird,

On motion of Mr. B. R. TILLMAN, both substitutes were laid on the table.

Debate continued by Messrs. Smoak, B. R. Tillman and Watson.

Mr. EFIRD moved to adjourn debate on this Section until 10 A. M. to-morrow.

On motion of Mr. BARTON, the motion was laid on the table.

Section 12 was then adopted as reported by the Committee.

I vote against the adoption of Section 12 of the Article on education because I am opposed to the dedication of liquor money to the cause of education, or to any other cause which will fasten the Dispensary system in the heart of the citizen.

GEORGE W. GAGE.

Sections 13 and 14, on motion of Mr. MITCHELL, were stricken out.

Mr. BEHRE moved as Section 13 his proposed Section printed in the Journal of yesterday, page 5.

Mr. BEHRE spoke in support of his proposed Section.

Debate continued by Mr. Burn.

Mr. OTTS moved to lay the proposed Section on the table.

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows:

Yeas, 69; nays, 42.

Those who voted in the affirmative are:

Yeas—Messrs. Alexander, Ashe, Atkinson, Austin, Barton, Bates, Bobo, Bowen, Bowman, Bradham, Bryan, Cantey, Carver, Connor, Cunningham, Dennis, Dent, Douglass, Doyle, Efird, Ellerbe, Estridge, W. D. Evans, Field, Gamble, Garris, J. L. Glenn, J. P. Glenn, Hamel, Harris, Hay, Haynsworth, D. S. Henderson, Houser, Jervey, George Johnstone, Ira B. Jones, E. J. Kennedy, J. W. Kennedy, Klugh, Lee, Lowman, McCown, McGowan, McKagen, McWhite,

Mitchell, J. D. Montgomery, W. J. Montgomery, Nash, Otts, Patterson, Prince, Redfearn, Rogers, Russell, Scarborough, Shuler, Singletary, Smoak, Stackhouse, Stokes, Stribling, Taylor, Watson, Wells, A. H. White, S. E. White, and Wiggins.—69.

Those who voted in the negative are:

Nays—Hon. John Gary Evans, President, and Messrs. Behre, T. W. Brice, Burn, Clayton, Cooper, DeHay, Dudley, Fitch, Floyd, Gooding, Graham, Gunter, Harrison, Henry, Hutson, T. E. Johnson, Wilie Jones, McCalla, McCaslan, McMahan, McMakin, Meares, Miller, Moore, Murray, Parler, Parrott, Patton, J. H. Read, Sligh, Sloan, Smalls, A. J. Smith, W. C. Smith, Talbert, B. R. Tillman, G. D. Tillman, Waters, Stanyarne Wilson, Winkler, and Woodward.—42.

Section 4, which was passed over a few days ago, was then taken up.

Mr. MITCHELL offered the following substitute for Section 4:

There shall be a State Board of Education, composed of the Governor, the State Superintendent of Education, and four persons to be appointed by the Governor every four years, of which Board the Governor shall be Chairman, and the State Superintendent of Education Secretary. This Board shall have the regulation of examination of teachers applying for certificates of qualification, and shall award all scholarships, and have such other powers and duties as may be determined by law. The compensation and traveling expenses for the four persons to be appointed to be fixed by the General Assembly.

The substitute was adopted as Section 4.

The Article having received two readings was ordered to be engrossed for a third reading to-morrow.

Mr. FITCH moved that No. 58, an ordinance defining the pay and mileage of the members, officers and employees of this Convention (Mr. Field for Committee), be made a special order for to-day at 7:30 P. M. and from day to day until disposed of; which was agreed to.

On motion of Mr. A. J. SMITH, at 2 P. M., the Convention receded from business until 7:30 P. M. this day.

RECESS.

The PRESIDENT resumed the chair at 7:30 P. M.

SPECIAL ORDER.

An ordinance defining the pay and mileage of the members, officers and employees of this Convention. (Mr. Field for Committee).

Section 1. Mr. NICHOLSON offered the following amendment: To strike out on line 7, after the word "dollars," the words "an additional per diem of two dollars from the 15th day of October, 1895, to the end of the session."

After debate by Messrs. Nicholson, Fitch, D. S. Henderson, Burn, Clayton, B. R. Tillman, Connor and Klugh,

Mr. BARTON moved to amend by inserting in line 7 the word "one" instead of the word "two."

After debate by Messrs. Efird, George Johnstone, Scarborough and Sligh,

Mr. ROGERS moved that a vote upon the pending question (the amendment of Mr. Barton) be taken at 9 P. M.; which was agreed to.

Debate continued by Mr. Sligh.

Mr. SLIGH moved to lay the amendment of Mr. Barton on the table; which was agreed to.

Mr. KLUGH moved to lay the amendment of Mr. Nicholson on the table.

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows:

Yeas, 67; nays, 42.

Those who voted in the affirmative are:

Yeas—Messrs. Anderson, Barry, Barton, Behre, Bobo, J. S. Brice, T. W. Brice, Burn, Carver, Clayton, Cooper, Dent, Derham, Doyle, Dudley, Fitch, Gage, Gamble, Garris, Gooding, Graham, Harrison, Hay, Hemphill, Henry, Hutson, Jervey, T. E. Johnson, E. J. Kennedy, Klugh, McCalla, McCaslan, McGowan, McKagen, McMahan, McMakin, Mitchell, J. D. Montgomery, W. J. Montgomery, Moore, Murray, Parler, Parrott, Patton, J. H. Read, Redfearn, Rogers, Rosborough, Rowland, Scarborough, Singletary, Sligh, A. J. Smith, W. C. Smith, Smoak, Stackhouse, Stribling, Taylor, Von Kolnitz, Waters, Wells, Wharton, Whipper, A. H. White, S. E. White, and Woodward—67.

Those who voted in the negative are:

Nays—Hon. John Gary Evans, President, and Messrs. Alexander, Ashe, Atkinson, Austin, Bowen, Bowman, Breazeale, Buist, Connor, Douglass, Efird, Estridge, Field, Gary, J. P. Glenn, Gray, Hamel, Harris, D. S. Henderson, Houser, George Johnstone, Wilie Jones, Keitt, Meares, Mower, Nicholson, Otts, Peake, Prince, Ragsdale, Russell, Shuler, Sloan, R. F. Smith, Sullivan, B. R. Tillman, G. D. Tillman, Timmerman, Wiggins, Stanyarne Wilson, and Winkler—42.

Mr. CANTEY stated that he was paired with Mr. Cunningham, otherwise he would vote "nay."

Mr. DENNIS stated that he was paired with Mr. Stokes, otherwise he would vote "aye."

Mr. BRADHAM stated that he was paired with Mr. Bryan, otherwise he would vote "no"

Mr. BATES stated that he was paired with Mr. Bellinger, otherwise he would vote "no."

Mr. W. D. EVANS stated that he was paired with Mr. Jeremiah Smith, otherwise he would vote "no."

Mr. J. L. GLENN stated that he was paired with Mr. Ira B. Jones, otherwise he would vote "aye."

Mr. HOWELL stated that he was paired with Mr. Lowman, otherwise he would vote "aye."

Mr. DeHAY stated that he was paired with Mr. Gunter, otherwise he would vote "aye."

Mr. FLOYD stated that he was paired with Mr. Oliver, otherwise he would vote "no."

Mr. KENNEDY stated that he was paired with Mr. Barker, otherwise he would vote "no."

Mr. LEE stated that he was paired with Mr. Nash, otherwise he would vote "no."

Mr. MILLER stated that he was paired with Mr. Sheppard, otherwise he would vote "aye."

Mr. TALBERT stated that he was paired with Mr. Wm. Henderson, otherwise he would vote "no."

Mr. WATSON stated that he was paired with Mr. Perritte, otherwise he would vote "no."

Mr. PATTERSON stated that he was paired with Mr. Farrow, otherwise he would vote "no."

Mr. HAYNSWORTH stated that he was paired with Mr. Wigg, otherwise he would vote "no."

Mr. McWHITE stated that he was paired with Mr. Gilland, otherwise he would vote "no."

Mr. McCOWN stated that he was paired with Mr. Morrison, otherwise he would vote "no."

Mr. NICHOLSON moved to amend as follows: Strike out on line 9 the word "six" and insert in lieu thereof the word "five."

Also, strike out on line 10 the word "four," and insert in lieu thereof the word "three."

Mr. SLIGH moved to amend as follows: Line 37, by striking out the word "three" and inserting in lieu thereof the word "four;" which was agreed to.

Also, line 38, by striking out the word "three," and inserting the word "four ; which was agreed to.

Also, lines 38 and 39, by striking out the words "one hundred dollars," and inserting in lieu thereof the words "the same as delegates of the Convention."

The question being put the amendment was rejected.

Mr. NICHOLSON asked and obtained permission to withdraw his amendment to lines 9 and 10 of Section 1.

Mr. WINKLER moved to amend Section 1 by inserting after the word "session," on line 8, the words: "*Provided*, That such additional per diem of two dollars shall not continue after the 7th day of December, 1895."

On motion of Mr. LEE, the amendment was laid on the table.

Mr. RAGSDALE moved to amend line 22, Section 1, by striking out the words "one dollar and fifty cents" and insert in lieu thereof the words "two dollars;" which was agreed to.

Mr. HARRISON moved to amend by striking out on line 9 the word "six," and inserting the word "eight" in lieu thereof.

On motion of Mr. J. D. MONTGOMERY, the amendment was laid on the table.

Mr. SMALLS moved to amend lines 24 and 25, by striking out the words "one dollar and fifty cents," and insert in lieu thereof "two dollars;" which was agreed to.

Mr. RAGSDALE moved to amend by striking out on line 17 the words "two" and insert "three" in lieu thereof.

The question being put, the amendment was rejected.

Mr. W. D. EVANS moved to amend by striking out the word "two" on line 20, and inserting in lieu thereof the words "two and one-half;" which was agreed to.

Mr. W. D. EVANS moved to amend by adding after the word "chaplain" the letter "s" and after the word "dollars" on line 39 the word "each;" which was agreed to.

Mr. W. B. WILSON moved to amend line 19 by striking out the word "two" and inserting in lieu thereof the words "two dollars and fifty cents;" which was agreed to.

Mr. McCOWN moved to amend line 12 by striking out the word "three" and inserting the word "four" in lieu thereof, so as to fix the pay for actual service for Journal Clerk at four dollars per day.

The question being put, the amendment was rejected.

Mr. RAGSDALE moved to reconsider the vote whereby his proposed amendment to line 17 was laid on the table.

The question being put : "Will the Convention agree thereto ?" it was decided in the affirmative.

Tha yeas and nays were requested, and are as follows :

Yeas, 70 ; nays, 42.

Those who voted in the affirmative are :

Yeas—Hon. John Gary Evans, President, and Messrs. Ashe, Atkinson, Austin, Barton, Behre, Bobo, Bradham, J. S. Brice, T. W. Brice, Burn, Cantey, Carver, Cooper, DeHay, Dennis, Dent, Dudley, Estridge, Fitch, Floyd, Gary, J. L. Glenn, Gooding, Hamel, Harrison, Hay, D. S. Henderson, Henry, Howell, Hutson, Jervey, T. E. Johnson, George Johnstone, Wilie Jones, J. W. Kennedy, McCaslan, McGowan, McKagen, McMahan, McMakin, Miller, Mitchell, Moore, Murray, Otts, Parler, Patterson, Prince, Ragsdale, Redfearn, Rosborough, Russell, Scarborough, Sligh, Smalls, W. C. Smith, Talbert, G. D. Tillman, Timmerman, Von Kolnitz, Watson, Wells, Whipper, A. H. White, S. E. White, Wiggins, Stanyarne Wilson, W. B. Wilson, and Winkler.—70.

Those who voted in the negative are :

Nays—Messrs. Alexander, Barry, Bowen, Buist, Clayton, Connor, Douglass, Doyle, Efird, W. D. Evans, Field, Gage, Gamble, Graham, Harris, Hemphill, Houser, Keitt, E. J. Kennedy, Klugh, McCalla, McCown, McWhite, J. D. Montgomery, W. J. Montgomery, Nicholson, Parrott, J. H. Read, Rogers, Rowland, Shuler, Singletary, Sloan, A. J. Smith, R. F. Smith, Smoak, Stackhouse, Stribling, Taylor, B. R. Tillman, Waters, and Woodward.—42.

The amendment being put was then agreed to.

Mr. T. E. JOHNSON moved to amend line 18 by striking out the words "two dollars and fifty cents" and inserting in lieu thereof the words "three dollars ;" which was agreed to.

Mr. TALBERT moved to reconsider the vote whereby the proposed amendment of Mr. Harrison to Section 1, line 9, was laid on the table.

The question being put : "Will the Convention agree thereto ?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows :

Yeas, 66 ; nays, 45.

Those who voted in the affirmative are :

Yeas—Hon. John Gary Evans, President, and Messrs. Atkinson, Austin, Behre, Bobo, Bradham, Buist, Cantey, Clayton, Cooper, DeHay, Dennis, Derham, Dudley, Estridge, Field, Fitch, Gage, Garris, Gary, Gilland, J. L. Glenn, Hamel, Harrison, Hay, Hemphill, Henry, Howell, Hutson, Jervey, George Johnstone, Wilie Jones, Keitt, J. W. Kennedy, Klugh, Lee, McCaslan, McCown,

McGowan, McMakin, Miller, Moore, Murray, Otts, Ragsdale, Redfearn, Rosborough, Singletary, Sligh, Sloan, Smalls, A. J. Smith, W. C. Smith, Talbert, Taylor, Von Kolnitz, Wharton, Whipper, A. H. White, Stanyarne Wilson, W. B. Wilson, and Winkler.—66.

Those who voted in the negative are :

Nays—Messrs. Alexander, Ashe, Barton, Bowen, Bowman, Burn, Connor, Douglass, Efird, W. D. Evans, Floyd, J. P. Glenn, Harris, D. S. Henderson, Houser, E. J. Kennedy, McCalla, McKagen, McMahan, McWhite, Meares, Mitchell, J. D. Montgomery, W. J. Montgomery, Nicholson, Parrott, Patterson, Peake, Prince, J. H. Read, Rogers, Russell, Scarborough, Shuler, R. F. Smith, Smoak, Stackhouse, Stribling, B. R. Tillman, G. D. Tillman, Timmerman, Watson, Wells, S. E. White, and Woodward.—45.

The amendment was then adopted.

Mr. AUSTIN moved to amend line 16 by striking out the word "three" and inserting in lieu thereof the word "four;" which was agreed to.

Mr. W. D. EVANS moved to amend as follows: Strike out the words "two dollars and fifty cents" on line 18, and insert the words "three dollars" in lieu thereof.

The question being put the amendment was rejected.

Mr. STANYARNE WILSON moved to amend lines 11, 12 and 15 by striking out the word "three" and inserting "four."

Mr. BUIST moved to lay the amendment on the table.

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows :

Yeas, 73 ; nays, 40.

Those who voted in the affirmative are :

Yeas—Messrs. Alexander, Ashe, Atkinson, Bobo, Bowen, Buist, Burn, Clayton, Connor, Cooper, DeHay, Dennis, Douglass, Dudley, Efird, W. D. Evans, Field, Fitch, Floyd, Gage, Gamble, J. L. Glenn, J. P. Glenn, Graham, Gray, Harris, Harrison, Hay, Houser, George Johnstone, Wilie Jones, E. J. Kennedy, Klugh, McCalla, McCaslan, McKagen, McMahan, McMakin, McWhite, Meares, J. D. Montgomery, W. J. Montgomery, Moore, Murray, Nicholson, Parler, Parrott, Patterson, Patton, Peake, Prince, J. H. Read, Redfearn, Rowland, Russell, Scarborough, Shuler, Smalls, A. J. Smith, R. F. Smith, Smoak, Stribling, Talbert, Taylor, G. D. Tillman, Timmerman, Waters, Watson, Wells, A. H. White, S. E. White, Wiggins, and Winkler.—73.

Those who voted in the negative are :

Nays—Hon. John Gary Evans, President, and Messrs. Austin, Barry, Barton, Behre, Bradham, J. S. Brice, T. W. Brice, Carver, Estridge, Garris, Gary, Hamel, Hemphill, D. S. Henderson, Henry, Howell, Hutson, Jervey, T. E. Johnson, Keitt, J. W. Kennedy, Lee, McCown, McGowan, Miller, Mitchell, Otts, Ragsdale, Rogers, Rosborough, Singletary, Sligh, Sloan, B. R. Tillman, Von Kolnitz, Whipper, Stanyarne Wilson, W. B. Wilson, and Woodward.—40.

Mr. STANYARNE WILSON moved to amend lines 11, 12 and 15 by striking out the word "three" and inserting in lieu thereof the words "three dollars and fifty cents."

The question being put, the amendment was rejected.

Mr. RAGSDALE moved to amend as follows: by striking out the word "two" wherever it occurs in lines 26, 27, 28, 29, 30, 32, 33, 34, and 35, and insert in lieu thereof the word "three."

The question being put, the amendment was rejected.

Mr. ROGERS moved to amend lines 26, 27, 28, 29, 30, 32, 33, 34, and 35, by striking out the word "two," and inserting in lieu thereof the words "two dollars and fifty cents."

The question being put, the amendment was rejected.

Mr. W. D. EVANS moved to amend by striking out "two dollars and fifty cents," and inserting the words "three dollars" on line 20.

The question being put, the amendment was rejected.

Mr. GEORGE JOHNSTONE moved to recommit the ordinance to the Committee.

After debate by Messrs. George Johnstone, Talbert, McGowan, Stanyarne Wilson, Parrott, Watson, W. C. Smith, Timmerman, McCalla and Field,

Mr. COOPER moved that a vote be taken on this motion at 10:55 P. M.; which was agreed to.

The hour having arrived when a vote on the motion to recommit was to be taken,

The question being put: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows :

Yeas, 42 ; nays, 72.

Those who voted in the affirmative are :

Yeas—Hon. John Gary Evans, President, and Messrs. Alexander, Ashe, Atkinson, Barton, Bowen, J. S. Brice, Connor, Douglass, Efird, Estridge, W. D. Evans, Field, Floyd, Gage, J. L. Glenn, J. P. Glenn, Gray, Hamel, Harrison, D. S. Henderson, Houser, George Johnstone, Keitt, McCalla, Meares, Mitchell, Mower, Nicholson, Otts,

Patterson, Russell, Shuler, Sloan, R. F. Smith, Talbert, B. R. Tillman, G. D. Tillman, Timmerman, Watson, Wiggins, and Stanyarne Wilson.—42.

Those who voted in the negative are :

Nays— Messrs. Austin, Barry, Behre, Bobo, Bowman, T. W. Brice, Buist, Burn, Carver, Clayton, Cooper, DeHay, Dennis, Dudley, Fitch, Gamble, Garris, Gary, Gilland, Graham, Harris, Hay, Hemphill, Henry, Howell, Hutson, Jervey, T. E. Johnson, E. J. Kennedy, J. W. Kennedy, Klugh, Lee, McCaslan, McCown, McGowan, McKagen, McMahan, McMakin, McWhite, Miller, J. D. Montgomery, W. J. Montgomery, Moore, Murray, Oliver, Parler, Parrott, Patton, Prince, Ragsdale, J. H. Read, Redfearn, Rogers, Rosborough, Rowland, Scarborough, Singletary, Sligh, Smalls, A. J. Smith, W. C. Smith, Smoak, Stribling, Taylor, Von Kolnitz, Waters, Wells, Whipper, A. H. White, S. E. White, W. B. Wilson, and Woodward.—72.

Mr. BATES stated that he was paired with Mr. Bellenger, otherwise he would vote "aye."

Mr. B. R. TILLMAN moved to adjourn.

The question being put : "Will the Convention agree thereto ?" it was decided in the negative.

The yeas and nays were requested, and are as follows :

Yeas, 26; nays, 90.

Those who voted in the affirmative are :

Yeas—Hon. John Gary Evans, President, and Messrs. Atkinson, Bates, Connor, Douglass, Efird, W. D. Evans, Gray, Hamel, Harrison, D. S. Henderson, Houser, T. E. Johnson, George Johnstone, Meares, Mitchell, Mower, Nicholson, Patterson, J. H. Read, Shuler, B. R. Tillman, G. D. Tillman, Timmerman, Watson, and Stanyarne Wilson—26.

Those who voted in the negative are :

Nays—Messrs. Alexander, Ashe, Austin, Barry, Barton, Behre, Bobo, Bowen, Bowman, Bradham, J. S. Brice, T. W. Brice, Buist, Burn, Carver, Clayton, Cooper, Dennis, Dudley, Estridge, Field, Fitch, Floyd, Gage, Gamble, Garris, Gary, Gilland, J. L. Glenn, J. P. Glenn, Graham, Harris, Hay, Hemphill, Henry, Howell, Hutson, Jervey, Keitt, E. J. Kennedy, J. W. Kennedy, Klugh, Lee, McCalla, McCaslan, McCown, McGowan, McKagen, McMahan, McMakin, McWhite, Miller, J. D. Montgomery, W. J. Montgomery, Moore, Murray, Oliver, Otts, Parler, Parrot, Patton, Prince, Ragsdale, Redfearn, Rogers, Rosborough, Rowland, Russell, Scarborough, Singletary, Sligh, Sloan, Smalls, A. J. Smith, R. F. Smith, W. C. Smith, Smoak, Stribling, Talbert, Taylor, Von Kolnitz, Waters,

Wells, Wharton, Whipper, A. H. White, S. E. White, Wiggins, and W. B. Wilson—90.

Mr. DEHAY stated that he was paired with Mr. Gunter, otherwise he would vote "no."

Mr. STANYARNE WILSON moved to amend, by striking out on line 6, all after the word session, down to and including the word "per," on line 7, inserting in lieu thereof the word "a."

Also, by striking out all after the word "from" on line 7, down to and including the word "session," on line 8.

Mr COOPER moved to lay the motion on the table.

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows:

Yeas, 63; nays, 39.

Those who voted in the affirmative are:

Yeas.—Messrs. Barry, Barton, Behre, Bobo, Bowen, J. S. Brice, T. W. Brice, Burn, Carver, Clayton, Cooper, Dudley, Fitch, Gage, Gamble, Gilland, Graham, Harris, Hay, Hemphill, Henry, Hutson, Jervey, T. E. Johnson, E. J. Kennedy, Klugh, McCalla, McCaslan, McGowan, McKagen, McMahan, McMakin, Mitchell, J. D. Montgomery, W. J. Montgomery, Moore, Murray, Oliver, Parler, Parrott, J. H. Read, Redfearn, Rogers, Rosborough, Rowland, Scarborough, Singletary, Sligh, Smalls, A. J. Smith, R. F. Smith, W. C. Smith, Smoak, Stribling, Taylor, VonKolnitz, Waters, Wells, Whipper, A. H. White, S. E. White, W. B. Wilson, and Woodward.—63.

Those who voted in the negative are:

Nays.—Hon. John Gary Evans, President, and Messrs. Alexander, Atkinson, Austin, Bowman, Buist, Connor, Douglass, Efird, Estridge, Field, Floyd, Garris, Gary, J. L. Glenn, J. P. Glenn, Gray, Hamel, Harrison, D. S. Henderson, Houser, George Johnstone, Keitt, J. W. Kennedy, McWhite, Meares, Mower, Nicholson, Otts, Patterson, Russell, Shuler, Sloan, Talbert, B. R. Tillman, G. D. Tillman, Watson, and Stanyarne Wilson.—39.

Mr. DEHAY stated that he was paired with Mr. Gunter, otherwise he would vote "aye."

Mr. DENNIS stated that he was paired with Mr. Stokes, otherwise he would vote "aye."

Mr. MILLER stated that he was paired with Mr. Sheppard, otherwise he would vote "aye."

Mr. BATES stated that he was paired with Mr. Bellinger, otherwise he would vote "no."

Mr. W. D. EVANS stated that he was paired with Mr. Jeremiah Smith, otherwise he would vote "no."

Mr. BRADHAM stated that he was paired with Mr. Bryan, otherwise he would vote "aye."

Mr. McCOWN stated that he was paired with Mr. Morrison, otherwise he would vote "no."

Mr. HOWELL stated that he was paired with Mr. Lowman, otherwise he would vote "aye."

Mr. McGOWAN moved to amend as follows: By adopting Section 1 as reported by the Committee, except in line 7, by striking out the word "fifteenth" and inserting the word "sixteenth;" which was agreed to.

Mr. McGOWAN moved to reconsider the vote whereby the Convention agreed to this amendment and to lay that motion on the table; which was agreed to.

Mr. McGOWAN moved to discharge the special order for 8 P. M. this day, (No. 29, report of Committee on Counties and County Government,) and to make the same a special order for 10 A. M. to-morrow, and from day to day until disposed of; which was agreed to.

On motion of Mr. GRAY, at 11:40 P. M. the Convention adjourned until 10 A. M. to-morrow.

FIFTY-SECOND DAY.

Wednesday, November 20, 1895.

The Convention assembled at 10 o'clock A. M.

The Secretary called the roll.

The following delegates answered to their names:

Hon. John Gary Evans, President, and Messrs. Alexander, Anderson, Ashe, Atkinson, Austin, Barry, Barton, Bates, Behre, Berry, Bobo. Bowen, Bowman, Bradham, Breazeale, J. S. Brice, T. W. Brice, Buist, Burn, Cantey, Carver, Clayton, Connor, Cooper, Cunningham, DeHay, Dennis, Dent, Derham, Douglass, Doyle, Dudley, Efird, Ellerbe, Estridge, W. D. Evans, Field, Fitch, Floyd, Fraser, Gage, Gamble,

Garris, Gary, Gilland, J. L. Glenn, J. P. Glenn, Gooding, Graham, Gray, Gunter, Hamel, Harris, Harrison, Hay, Haynsworth, Hemphill, D. S. Henderson, Henry, Houser, Howell, Hutson, Jervey, T. E. Johnson, George Johnstone, Ira B. Jones, Wilie Jones, Keitt, E. J. Kennedy, J. W. Kennedy, Klugh, Lee, Lowman, Lybrand, McCalla, McCaslan, McCown, McDermotte, McGowan, McKagen, McMahan, McMakin, McWhite, Meares, Miller, Mitchell, J. D Montgomery, W. J. Montgomery, Moore, Mower, Murray, Nash, Nathans, Nicholson, Oliver, Otts, Parler, Parrott, Patterson, Patton, Peake, Prince, Ragsdale, J. H. Read, Redfearn, I. R. Reed, Rogers, Rosborough, Rowland, Russell, Scarborough, Shuler, Singletary, Sligh, Sloan, Smalls, A. J. Smith, R. F. Smith, W. C. Smith, Smoak, Stackhouse, Stokes, Stribling, Sullivan, Talbert, Taylor, B. R. Tillman, G. D. Tillman, Timmerman, Von Kolnitz, Waters, Watson, Wells, Wharton, Whipper, A. H. White, S. E. White, Wiggins, Stanyarne Wilson, W. B. Wilson, Winkler, and Woodward.

Present, 143.

The PRESIDENT took the chair.

A quorum being present, the deliberations were opened with prayer by Rev. Mr. PARROTT.

The Journal of yesterday's proceedings was read and confirmed.

COMMUNICATION.

The PRESIDENT had the Reading Clerk read a communication from the Hon. W. D. Mayfield in reference to the Convention going to the Atlanta Exposition on "South Carolina Day."

Mr. EFIRD moved that the Convention go to the Exposition in a body, saying he was opposed to the motion, but made it to test the question.

Mr. GEORGE JOHNSTONE moved to lay the motion on the table.

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows:

Yeas, 98; nays, 36.

Those who voted in the affirmative are:

Yeas—Messrs. Alexander, Atkinson, Barry, Barton, Behre, Bobo, Bowen, Bowman, Bradham, Breazeale, T. W. Brice, Cantey, Carver, Clayton, Connor, Cooper, DeHay, Dennis, Douglass, Doyle, Efird, Ellerbe, W. D. Evans, Field, Fitch, Floyd, Gage, Gamble, Garris, Gilland, J. L. Glenn, J. P. Glenn, Graham, Gunter, Harris, Harri-

son, Hay, Haynsworth, Hemphill, D. S. Henderson, Houser, Howell, Jervey, T. E. Johnson, George Johnstone, Ira B. Jones, Keitt, E. J. Kennedy, J. W. Kennedy, Klugh, Lybrand, McGowan, McKagen, McMakin, McWhite, Meares, Mitchell, W. J. Montgomery, Moore, Mower, Murray, Nathans, Nicholson, Oliver, Otts, Parler, Patterson, Peake, Ragsdale, Redfearn, Rosborough, Rowland, Russell, Shuler, Sligh, Sloan, A. J. Smith, R. F. Smith, W. C. Smith, Smoak, Stackhouse, Sullivan, Talbert, Taylor, B. R. Tillman, Von Kolnitz, Waters, Watson, Wells, Wharton, Whipper, A. H. White, S. E. White, Wiggins, Stanyarne Wilson, W. B. Wilson, Winkler, and Woodward.—98.

Those who voted in the negative are :

Nays—Hon. John Gary Evans, President, and Messrs. Anderson, Ashe, Austin, Bates, J. S. Brice, Burn, Dent, Dudley, Estridge, Gary, Gooding, Hamel, Henry, Hutson, Lee, Lowman, McCalla, McCaslan, McCown, McMahan, Miller, J. D. Montgomery, Nash, Parrott, Patton, Prince, J. H. Read, Rogers, Scarborough, Singletary, Smalls, Stokes, Stribling, G. D. Tillman, and Timmerman.—36.

Mr. B. R. TILLMAN offered the following resolution :

Resolved, That Messrs. Stanyarne Wilson, W. D. Evans and George Johnstone be, and they are hereby, appointed a Steering Committee to arrange for completing the work of this Convention so that it may be engrossed, if practicable, by Tuesday night next.

Mr. WINKLER moved to lay the resolution on the table.

The question being put : " Will the Convention agree thereto ?" it was decided in the negative.

The yeas and nays were requested, and are as follows :

Yeas, 63 ; nays, 70.

Those who voted in the affirmative are :

Yeas—Messrs. Anderson, Austin, Barry, Bates, Behre, Breazeale, Carver, Clayton, Cooper, DeHay, Derham, Dudley, Efird, Ellerbe, Fitch, Floyd, Gamble, Garris, Gilland, J. L. Glenn, J. P. Glenn, Gooding, Hay, Hemphill, D. S. Henderson, Henry, Hutson, Ira B. Jones, Keitt, E. J. Kennedy, Klugh, Lee, McCown, McGowan, McKagen, McMahan, McWhite, Meares, J. D. Montgomery, W. J. Montgomery, Moore, Mower, Murray, Parrott, Patterson, Prince, Ragsdale, J. H. Read, Redfearn, I. R. Reed, Rogers, Scarborough, Shuler, Sligh, Sloan, Smalls, A. J. Smith, Smoak , Sullivan, Von Kolnitz, Wells, Whipper, and Winkler.—63.

Those who voted in the negative are :

Nays—Hon. John Gary Evans, President, and Messrs. Alexander, Ashe, Atkinson, Barton, Bobo, Bowen, Bowman, Bradham, J. S. Brice, T. W. Brice, Burn, Cantey, Connor, Cunningham, Dennis,

Dent, Douglass, Doyle, Estridge, Field, Gage, Gary, Graham, Gunter, Hamel, Harris, Harrison, Haynsworth, Houser, Howell, Jervey, T. E. Johnson, J. W. Kennedy, Lowman, Lybrand, McCalla, McCaslan, McMakin, Miller, Mitchell, Nash, Nathans, Nicholson, Oliver, Otts, Parler, Peake, Rosborough, Rowland, Russell, Singletary, R. F. Smith, W. C. Smith, Stackhouse, Stokes, Stribling, Talbert, Taylor, B. R. Tillman, G. D. Tillman, Timmerman, Waters, Watson, Wharton, A. H. White, S. E. White, Wiggins, W. B. Wilson, and Woodward.—70.

Debate continued by Messrs. G. D. Tillman, Von Kolnitz, Talbert, Gage and Hemphill.

The question being put on the adoption of Mr. B. R. Tillman's resolution: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows:

Yeas, 74; nays, 55.

Those who voted in the affirmative are:

Yeas—Hon. John Gary Evans, President, and Messrs. Alexander, Ashe, Atkinson, Barton, Bobo, Bowen, Bowman, J. S. Brice, T. W. Brice, Buist, Burn, Cantey, Connor, Cunningham, DeHay, Dennis, Dent, Douglass, Doyle, Dudley, Estridge, Field, Gage, Gary, J. L. Glenn, J. P. Glenn, Graham, Gunter, Hamel, Harris, Harrison, Haynsworth, D. S. Henderson, Houser, T. E. Johnson, Keitt, J. W. Kennedy, Lowman, Lybrand, McCalla, McCaslan, McMakin, Miller, Mitchell, Moore, Nash, Nathans, Nicholson, Otts, Parler, Patton, Rosborough, Russell, Singletary, Sligh, R. F. Smith, W. C. Smith, Stackhouse, Stokes, Stribling, Sullivan, Talbert, Taylor, B. R. Tillman, G. D. Tillman, Timmerman, Watson, Wharton, A. H. White, S. E. White, Wiggins, W. B. Wilson, and Woodward.—74.

Those who voted in the negative are:

Nays—Messrs. Anderson, Austin, Barry, Bates, Bradham, Breazeale, Carver, Clayton, Cooper, Derham, Efird, Fitch, Floyd, Gamble, Garris, Gilland, Gooding, Hay, Hemphill, Henry, Howell, Hutson, Jervey, Ira B. Jones, E J. Kennedy, Klugh, McCown, McGowan, McKagen, McMahan, McWhite, Meares, J. D. Montgomery, W. J. Montgomery, Mower, Murray, Parrott, Patterson, Prince, Ragsdale, J. H. Read, I. R. Reed, Rogers, Rowland, Scarborough, Shuler, Sloan, Smalls, A. J. Smith, Smoak, Von Kolnitz, Waters, Wells, Whipper, and Winkler.—55.

RESOLUTIONS.

Mr. W. D. EVANS introduced the following resolution, which was read the first time and referred to the Steering Committee:

Resolved, The sessions of the Convention shall be as follows after to-day: Meet at 9:30 o'clock A. M., adjourn at 2 o'clock P. M.; meet at 4 o'clock P. M., adjourn at 6 o'clock P. M.; meet at 7:30 o'clock P. M., adjourn at will.

Mr. CONNOR introduced the following resolution, which was read the first time and referred to the Steering Committee:

Resolved, That the sessions of this Convention from now until the adjournment of same, be as follows, viz.: Convene at 9 A. M., recede at 1 P. M.; convene at 3 P. M., recede at 5 P. M.; convene at 7:30 P. M.

Mr. McCALLA introduced the following resolution, which was read the first time and referred to the Committee on Finance and Taxation:

Resolved, That the State Treasurer be, and he is hereby, instructed to report at once to this Convention whether or not he has sufficient funds in hand to meet the expenses of this Convention; and if he has not sufficient funds on hand, that he report upon what terms he can borrow the same until refunded by the Legislature.

LEAVE OF ABSENCE.

Indefinite leave of absence was granted to Mr. Matthews on account of sickness.

REPORTS OF STANDING COMMITTEES.

Mr. FIELD, for Committee on Contingent Accounts, submitted the following report, which was considered immediately, agreed to, and the account ordered paid:

The Committee on Contingent Accounts, to whom was referred the within account of R. L. Bryan & Co. for $139.10—we further recommend that $11.75 of this amount be paid out of the funds of Engrossing Department,—respectfully report that they have carefully examined the same, and recommend that it be paid.

W. T. FIELD, Chairman.

Mr. FRASER, for the Committee on Order, Style, and Revision, submitted the following report:

The Committee on Order, Style and Revision, to whom was referred an ordinance to permit the General Assembly to pass certain Acts in reference

to railroad subscriptions in Chesterfield County, beg leave to report that the same has been enrolled, and is herewith submitted for ratification.

The report was considered immediately and the ordinance ratified.

UNFINISHED BUSINESS.

No. 58, an ordinance defining the pay and mileage of the members, officers and employees of this Convention.

Section 2. Mr. FIELD moved to amend lines 1 and 2 by striking out the words "officers and employees;" which was agreed to.

The Section as amended was adopted.

Section 3. Mr. FIELD moved to amend line 3 by inserting in the blank space, after the word "hall," the words "five hundred dollars;" which was agreed to.

The Section as amended was adopted.

The ordinance having been read the second time was adopted as amended and ordered engrossed for a third reading to-morrow.

SPECIAL ORDER.

No. 29, report of Committee on Counties and County Government.

Section 1 was adopted as amended.

Section 2. Mr. TALBERT moved to amend as follows: Add to the end of Section 2 the words "In all elections for the formation of new Counties, the Constitution and laws now regulating and controlling elections in this State shall remain in force until the laws regulating the same under the new Constitution shall become operative."

After debate by Messrs. Scarborough, McGowan, G. D. Tillman and Talbert,

Mr. McGOWAN moved to lay the amendment on the table; which was agreed to.

Mr. LEE moved to strike out the word "shall" on line 3 and insert the word "may" in lieu thereof.

After debate by Messrs. Lee, Geo. Johnstone, G. D. Tillman, J. S. Bricc and D. S. Henderson,

Mr. G. D. TILLMAN moved to lay the amendment on the table; which was agreed to.

The Section as amended was adopted.

Section 3. Mr. W. B. WILSON moved to amend as follows:

Amend Section 3 by adding thereto the following: *Provided,* That a new County, which shall embrace within its limits the city of Rock Hill, may be formed, with an area of not less than three hundred square miles, and hav-

ing a population of not less than fifteen thousand inhabitants, and property assessed for taxation at not less than two and one-half millions of dollars, and cutting into any established County not nearer than eight miles to its Court House; and the city or town selected as the County seat of such new County shall defray the expense of building a County Court House and jail.

Mr. B. R. TILLMAN moved that at 1:15 P. M. a vote be taken upon this amendment; which was agreed to.

The following gentlemen spoke in favor of the amendment: Messrs. W. B. Wilson, S. E. White and A. H. White.

The following gentlemen spoke in opposition to the amendment: Messrs. J. S. Brice, Efird and J. L. Glenn.

The PRESIDENT called Vice President Ira B. Jones to the chair.

The question being put: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 49; nays, 67.

Those who voted in the affirmative are:

Yeas—Messrs. Alexander, Anderson, Bowen, Bradham, Buist, Burn, Cantey, Carver, DeHay, Dennis, Doyle, Dudley, Estridge, Field, Gamble, Gilland, Graham, Gunter, Harrison, T. E. Johnson, George Johnstone, Ira B. Jones, Keitt, McMakin, Meares, Miller, Moore, Murray, Nash, Ragsdale, Redfearn, I. R. Reed, Rogers, Rosborough, Scarborough, Singletary, Sligh, Sloan, Smalls, Taylor, B. R. Tillman, G. D. Tillman, Wells, Wharton, A. H. White, S. E. White, Stanyarne Wilson, W. B. Wilson, and Woodward.—49.

Those who voted in the negative are:

Nays—Messrs. Ashe, Atkinson, Austin, Barry, Barton, Bates, Behre, Bobo, Bowman, Breazeale, J. S. Brice, Clayton, Connor, Cooper, Cunningham, Dent, Derham, Douglass, Efird, W. D. Evans, Floyd, Gage, Gary, J. L. Glenn, J. P. Glenn, Gooding, Harris, Hay, Haynsworth, Hemphill, Henry, Houser, Howell, Hutson, E. J. Kennedy, J. W. Kennedy, Klugh, Lee, Lowman, Lybrand, McCalla, McGowan, McMahan, McWhite, W. J. Montgomery, Mower, Nathans, Nicholson, Oliver, Parler, Parrott, Patterson, Peake, J. H. Read, Russell, Shuler, A. J. Smith, W. C. Smith, Smoak, Stokes, Stribling, Sullivan, Talbert, Timmerman, Waters, Wiggins, and Winkler.—67.

PAIRS.

Mr. WATSON stated that he was paired with Mr. Wilie Jones, otherwise he would vote "no."

Mr. STACKHOUSE stated that he was paired with Mr. Fraser, otherwise he would vote "yea."

Mr. McKAGEN stated that he was paired with Mr. Bellinger, otherwise he would vote "yea."

Mr. HAMEL stated that he was paired with Mr. Matthews, otherwise he would vote "aye."

Mr. OTTS stated that he was paired with Mr. Farrow, otherwise he would vote "aye."

Mr. FITCH stated that he was paired with Mr. Sheppard, otherwise he would vote "no."

Mr. J. S. BRICE moved to reconsider the vote whereby the Convention rejected the proposed amendment, and to lay that motion on the table; which was agreed to.

The Section as amended was adopted.

Section 4. Mr. B. R. TILLMAN moved to amend as follows:

Strike out "fifteen thousand inhabitants" on line 3 and insert "one one hundred and twenty-fourth part of the inhabitants of the State."

On motion of Mr. PATTERSON, the proposed amendment was laid on the table.

The Section was adopted as reported by the Committee.

Section 5. Mr. HAMEL moved to amend by striking out the word "seat" at the end of line 2 and inserting in lieu thereof the words "court house building."

After debate by Messrs. George Johnstone, Gary, Prince and B. R. Tillman,

Mr. McGOWAN offered the following as a substitute for the amendment: Strike out on line 2 the word "eight" and insert in lieu thereof the word "ten."

Also, by striking out "County seat," on line 2, and inserting in lieu thereof the words "court house building."

Mr. E. J. KENNEDY moved that at 1:55 a vote be taken on this substitute; which was agreed to.

The hour having arrived the vote was taken.

The question being put: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 44; nays, 75.

Those who voted in the affirmative are:

Yeas—Hon. John Gary Evans, President, and Messrs. Alexander, Anderson, Bates, Behre, Bowen, Bowman, J. S. Brice, Burn, Carver, Connor, Dent, Doyle, Dudley, Efird, Ellerbe, Fitch, Gary, Harris, Hemphill, D. S. Henderson, Howell, Jervey, E. J. Kennedy, Lee, Lowman, McCalla, McGowan, Mitchell, J. D. Montgomery, W. J.

Montgomery, Oliver, Parrott, Patterson, Patton, Peake, J. H. Read, Redfearn, Russell, Stokes, Stribling, Sullivan, Von Kolnitz, and Stanyarne Wilson.—44.

Those who voted in the negative are:

Nays—Messrs. Ashe, Atkinson, Austin, Barry, Barton, Bobo Breazeale, T. W. Brice, Buist, Cantey, Cooper, Cunningham, DeHay, Dennis, Douglass, Estridge, W. D. Evans, Field, Gage, Gamble, Garris, Gilland, J. L. Glenn, J. P. Glenn, Gooding, Gunter, Hamel, Harrison, Henry, Hutson, T. E. Johnson, George Johnstone, Ira B. Jones, Keitt, J. W. Kennedy, Lybrand, McCaslan, McCown, McKagen, McMakin, McWhite, Meares, Miller, Moore, Mower, Murray, Nash, Nicholson, Parler, Prince, Ragsdale, Rogers, Rosborough, Scarborough, Shuler, Sligh, Sloan, Smalls, A. J. Smith, R. F. Smith, W. C. Smith, Smoak, Talbert, Taylor, B. R. Tillman, G. D. Tillman, Timmerman, Waters, Wells, Wharton, A. H. White, S. E. White, Wiggins, W. B. Wilson, and Woodward.—75.

PAIRS.

Mr. WINKLER stated that he was paired with Mr. Aldrich, otherwise he would have voted "no."

Mr. WATSON stated that he was paired with Mr. Wilie Jones, otherwise he would have voted "no."

Mr. HAYNSWORTH stated that he was paired with Mr. Hay, otherwise he would have voted "no."

Mr. FLOYD stated that he was paired with his colleague Mr. Hay, otherwise he would vote "no."

Mr. OTTS stated that he was paired with Mr. Farrow, otherwise he would vote "no."

Mr. STACKHOUSE stated that he was paired with Mr. Fraser, otherwise he would vote "no."

Mr. CLAYTON stated that he was paired with Mr. Barker, otherwise he would vote "no."

Mr. McMAHAN stated that he was paired with Mr. Bryan, otherwise he would vote "no."

Mr. DERHAM stated that he was paired with Mr. Klugh, otherwise he would vote "no."

REASON FOR VOTING.

I vote "yea" on account of my personal friendship for Mr. W. C. McGowan.

H. C. PATTON.

Mr. LOWMAN offered the following as a substitute for the amendment proposed by Mr. Hamel : Strike out the word "eight" on line 2 and insert in lieu thereof the word "nine ;" also, to strike out the word "seat," and after the word "County" add the words "court house building."

The pending question being the amendment proposed by Mr. Lowman,

On motion of Mr. STANYARNE WILSON, at 2:10 P. M., the Convention receded from business until 7:30 P. M. this day.

RECESS.

The PRESIDENT resumed the chair at 7:30 P. M.

LEAVES OF ABSENCE.

Mr. MILLER was granted leave of absence until 10 A. M. on Friday next, on account of important business.

COMMUNICATION.

The PRESIDENT of the Convention submitted a communication from Mrs. Sallie H. Rudd, relating to female suffrage, which, on motion of Mr. STANYARNE WILSON, was received as information.

Mr. FIELD presented the following account, which was read the first time and referred to the Committee on Contingent Accounts and Expenses :

COLUMBIA, S. C., November 20, 1895.

CONSTITUTIONAL CONVENTION

To THE COLUMBIA ELECTRIC STREET RAILWAY LIGHT AND POWER COMPANY. *Dr.*

For Lighting State House from September 10 to November 30, '95, ...$700.

Mr. E. J. KENNEDY submitted the following amendment to the report of the Committee on Education, Section 12, with the request that the same be printed in the Journal ; which was agreed to :

Mr. E. J. Kennedy asks leave to print in the Journal the following substitute which was agreed upon by him and the Chairman of the Committee on Education for Section 12 of the Article on Education pending the second reading of the Article:

SECTION 12. All the net income to be derived by the State from the sale, or license for the sale, of spirituous, malt, vinous and intoxicating liquors and beverages and the profits of the Penitentiary shall be applied annually in aid of the supplementary tax provided for in the sixth Section of this Article; and if, after said application, there should be a surplus, it shall be invested to create a school fund, the income of which investment shall be applied first, if necessary, in aid of the said supplementary tax; otherwise it shall be devoted to public school purposes and apportioned as the General Assembly may determine. All waste and unappropriated lands belonging to the State, which terms shall include marsh and tide water lands, but not the phosphate royalty or phosphate deposits, and the income to be derived from said lands by leasing them, shall be set apart and be and remain forever a perpetual school fund for the support of the public schools of this State. All funds to be derived from the sale of the aforesnid lands, if the General Assembly should ever deem it advantageous to sell the same, shall be securely invested, and the interest alone shall be appropriated.

Mr. STANYARNE WILSON, on behalf of the Committee on Steering, submitted the following report:

The Steering Committee respectfully report as follows:

1. The Convention shall each day convene at 9.30 A. M.; recede from business at 2 P. M. till 4 P. M. and continue in session till 6 P. M.; again recede till 7.30 P. M. and then continue in session till adjournment for the day is had.

2. The time of the Convention for the present week is assigned as follows:

(*a.*) For this evening, November 20th: To the report of the Committee on Counties and County Government, No. 29, one hour, if so much be necessary.

To the report of the Committee on Legislative Department, No. 10, three hours.

(*b.*) For November 21st: To the report of the Committee on Finance and Taxation, No. 12, two hours, if so much be necessary. To the report of the Committee on Judicial Department, No. 42, the remainder of the day and the whole of November 22d, if so much be necessary.

(*c.*) At the conclusion of the last named report, to the report of the Commitee on Declaration of Rights, No. 34, two hours, if so much be necessary; then to the third reading of report of Committee on Contingent Accounts, No. 58, one hour, if so much be necessary; then to the third reading of report of Committee on Jurisprudence, No. 46, one hour, if so much be necessary; then to the third reading of report of Committee on Corporations, No. 30, one hour, if so much be necessary; then to the report of Committee on Finance and Taxation, No. 50, and to each of the several ordinances, Nos. 48, 57 and 59, in the order named, one hour, if so much be necessary.

3. The assignment of time for Monday and Tuesday of next week will be announced Saturday next.

4. Each of the periods assigned to the several reports and ordinances will be distributed by this Committee amongst the various amendments to be

proposed, as they may arise during the progress of the debate, whereupon such portion of time so fixed shall be equally divided between, and be at the disposal of, the mover of the amendment and the Chairman of the Committee reporting the Article or ordinance.

Section 5. That the rule as to reconsideration of matters shall not apply to the report of this Committee.

UNFINISHED BUSINESS.

No. 29, report of the Committee on Counties and County Government.

The pending question being the proposed amendment of Mr. Lowman to Section 5, printed in the Journal to-day.

After debate by Messrs. Lowman, Ellerbe, Stokes, Cooper, George Johnstone, Patterson, Parrott, Sligh, Burn and Clayton,

The question being put: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 62; nays, 63.

Those who voted in the affirmative are:

Yeas—Hon. John Gary Evans, President, and Messrs. Alexander, Ashe, Austin, Bates, Behre, Bowen, Bowman, Breazeale, J. S. Brice, T. W. Brice, Burn, Carver, Connor, Cunningham, Doyle, Dudley, Efird, Ellerbe, W. D. Evans, Fitch, Gage, Gary, J. L. Glenn, Gooding, Harris, Hay, Haynsworth, Hemphill, D. S. Henderson, Houser, Howell, Hutson, T. E. Johnson, E. J. Kennedy, Klugh, Lee, Lowman, McCalla, McMahan, Mitchell, J. D. Montgomery, W. J. Montgomery, Mower, Nicholson, Oliver, Parrott, Patterson, Peake, Prince, J. H. Read, I. R. Reed, Rowland, Russell, W. C. Smith, Stokes, Stribling, Sullivan, Von Kolnitz, Wells, Stanyarne Wilson, and Winkler.—62.

Those who voted in the negative are:

Nays—Messrs. Atkinson, Barry, Barton, Bobo, Bradham, Buist, Cantey, Cooper, DeHay, Dennis, Derham, Douglass, Estridge, Field, Floyd, Gamble, Garris, Gilland, J. P. Glenn, Graham, Gray, Gunter, Hamel, Harrison, Henry, George Johnstone, Ira B. Jones, Wilie Jones, Keitt, J. W. Kennedy, McCaslan, McCown, McKagen, McMakin, McWhite, Meares, Miller, Moore, Murray, Parler, Ragsdale, Rogers, Rosborough, Scarborough, Shuler, Singletary, Sligh, Sloan, Smalls, Smoak, Talbert, Taylor, B. R. Tillman, G. D. Tillman, Timmerman, Waters, Watson, Wharton, A. H. White, S. E. White, Wiggins, W. B. Wilson, and Woodward.—63.

Mr. MEARES moved to reconsider the vote whereby the Convention rejected the proposed substitute, and to lay that motion on the table; which was agreed to.

PAIRS.

Mr. McDERMOTTE stated that he was paired with Mr. McGowan, otherwise he would vote "no."

Mr. STACKHOUSE stated that he was paired with Mr. Fraser, otherwise he would vote "no."

Mr. OTTS stated that he was paired with Mr. Farrow, otherwise he would vote "no."

Mr. CLAYTON stated that he was paired with Mr. Barker, otherwise he would vote "no."

The question being upon the amendment proposed by Mr. Hamel printed in the Journal this morning, the amendment was adopted.

Mr. GEORGE JOHNSTONE moved to reconsider the vote whereby the amendment was adopted and to lay that motion on the table; which was agreed to.

The Section as amended was adopted.

Mr. W. C. SMITH introduced the following to be known as Section 13:

Section——. The General Assembly may, in its discretion, create any new County with an area of not less than three hundred square miles whenever it is shown that an area of four hundred square miles can not be obtained and upon such new County complying with all the other mandatory requirements of this Article.

After debate by Messrs. W. C. Smith, J. S. Brice, W. B. Wilson, G. D. Tillman, Ira B. Jones, J. L. Glenn, Patterson and Prince,

Mr. STANYARNE WILSON moved to lay the motion on the table; which was agreed to.

Section 6 was adopted as reported by the Committee.

Section 7 was adopted as reported by the Committee.

Section 8. Mr. MOORE moved to amend as follows: line 1, by striking out "two-third" and inserting the word "majority."

On motion of Mr. AUSTIN, the amendment was laid on the table.

Mr. W. B. WILSON moved to amend line 2 by adding after the word "County" the words "voting at such election;" which was agreed to.

The Section as amended was adopted.

Sections 9, 10 and 11 were adopted as reported by the Committee.

Section 12. Mr. B. R. TILLMAN moved to amend by adding the following to the end of the Section :

The election ordered in said ordinance for the location of its County seat shall be held under the Constitution and laws now of force, and the General Assembly shall provide for the assessment of property in the County of Saluda for the fiscal year beginning January 1st, 1896, and for the collection of said taxes when assessed.

Which was agreed to.

Mr. B. R. TILLMAN offered the following to be known as Section 13 :

Section 13. The General Assembly may at any time arrange the various Counties into Judicial Circuits and into Congressional Districts, including the County of Saluda, as it may deem wise and proper, and may establish or alter the location of voting precincts in any County;

Which was agreed to.

The Article as amended was read the third time, adopted, and referred to the Committee on Order, Style and Revision, to be enrolled for ratification.

Mr. PATTON moved to reconsider the vote whereby the Convention appointed a Committee on Steering to control the action of this Convention.

After debate by Messrs. Lee, Stanyarne Wilson, Geo. Johnstone, McCalla and McGowan,

Mr. B. R. TILLMAN moved that the report of the Steering Committee be submitted to the Convention.

Debate continued by Messrs. G. D. Tillman, Floyd, Gage, D. S. Henderson and Patton.

The question being put upon the motion of Mr. Patton to reconsider the vote appointing the Steering Committee, the Convention refused to reconsider.

Mr. B. R. TILLMAN moved that the report of the Steering Committee be read ; which was agreed to.

Section 1 was adopted as reported by the Committee.

Section 2. Mr. STANYARNE WILSON offered the following amendment : "To the Legislative Department three hours ;" which was agreed to.

Mr. LEE moved to strike out Section 2.

On motion of Mr. TALBERT, the motion was laid on the table.

The Section was then adopted as amended.

Section 3 was adopted as reported by the Committee.

Section 4 was adopted as reported by the Committee.

Mr. VON KOLNITZ offered the following to be known as Section 5: "That the rule as to reconsideration of matters shall not apply to the report of this Committee;" which was agreed to.

The report of the Committees as amended was adopted.

GENERAL ORDERS.

SECOND READINGS.

No. 48, an ordinance fixing the age of consent (Mr. Gary for Committee.)

On motion of Mr. McGOWAN, the amendment proposed by the Commitfee to strike out "sixteen" and insert "15" was laid on the table.

Mr. McGOWAN offered the following as a substitute for the ordinance:

Be it ordained by the people of South Carolina, in Convention assembled, That the following shall constitute Section—— of Article—— of the Constitution of this State: That no unmarried woman shall legally consent to sexual intercourse who shall not have attained the age of sixteen years.

Mr. PRINCE moved to indefinitely postpone the Article.

The question being put, the Convention refused to indefinitely postpone.

Mr. R. F. SMITH moved to amend by striking out "sixteen" and inserting "fourteen" in lieu thereof.

After debate by Messrs. R. F. Smith, B. R. Tillman, Jervey, Small and Doyle,

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows:

Yeas, 63; nays, 40.

Those who voted in the affirmative are:

Yeas—Messrs. Alexander, Ashe, Atkinson, Barton, Behre, Bobo, Bowen, Bowman, J. S. Brice, T. W. Brice, Burn, Carver, Connor, Cunningham, DeHay, Dennis, Douglass, Doyle, Dudley, Estridge, Field, Fitch, Gamble, Gary, J. P. Glenn, Gray, Gunter, Hamel, Harrison, D. S. Henderson, Henry, Houser, Howell, Hutson, Jervey, T. E. Johnson, Ira B. Jones, E. J. Kennedy, J. W. Kennedy, Klugh, Lee, McCown, McKagen, McMakin, McWhite, Murray, Nash, Oliver, Parler, Patton, Prince, Ragsdale, J. H. Read, R. F. Smith, Stokes, Stribling, Sullivan, Taylor, G. D. Tillman, Von Kolnitz, S. E. White, Wiggins, and W. B. Wilson.—63.

Those who voted in the negative are:

Nays—Hon. John Gary Evans, President, and Messrs. Breazeale, Bryan, Buist, Clayton, Cooper, Efird, W. D. Evans, Floyd, Graham, Harris, Hay, Hemphill, George Johnstone, Wilie Jones, Keitt, Lowman, McCalla, McCaslan, McGowan, McMahan, Meares, J. D. Montgomery, Moore, Otts, Rosborough, Russell, Scarborough, Shuler, Sloan, Smalls, Smoak, Talbert, B. R. Tillman, Timmerman, Watson, Wharton, Stanyarne Wilson, Winkler, and Woodward.—40.

Mr. JERVEY moved to lay the ordinance on the table.

The question being put, the Convention refused to lay on the table.

The ordinance as amended was read a second time, adopted and ordered engrossed for a third reading to-morrow.

Mr. RAGSDALE introduced the following ordinance, which was read the first time and ordered for consideration to-morrow:

AN ORDINANCE TO PROVIDE THAT THE GENERAL ASSEMBLY MAY ENACT SUCH LAWS AS MAY BE NECESSARY TO VALIDATE AND CARRY INTO EFFECT SUBSCRIPTIONS TO THE CAPITAL STOCK OF CERTAIN RAILROAD COMPANIES HERETOFORE VOTED BY THE COUNTY OF FAIRFIELD AND TO VALIDATE AND AUTHORIZE THE ISSUE OF BONDS IN PAYMENT OF THE SAME.

Be it ordained by the people of South Carolina, in convention assembled, That nothing contained in the Constitution ordained and established by the people of South Carolina, now in convention assembled, shall prohibit the General Assembly from hereafter enacting such laws as may be necessary to validate and carry into effect the subscription to the capital stock of the Cape Fear and Cincinnati Railroad Company and the subscription to the capital stock of the Wadesboro, Winnsboro and Camak Railroad Company heretofore voted for and authorized by the qualified voters of Fairfield County, and to validate and authorize the issue of the bonds of said County in payment of the same: *Provided*, That the said railroad companies shall comply with all the conditions upon which said subscriptions and bonds were originally voted: *And provided, further*, That the qualified electors of said County shall reaffirm the grant of authority to issue said bonds in payment of said subscriptions to either or both of said railroad companies at the next general election for State and County officers.

REPORT OF STANDING COMMITTEE.

Mr. RUSSELL submitted the following report for the Committee on Eminent Domain, which was read the first time and ordered for consideration to-morrow:

REPORT OF THE COMMITTEE ON EMINENT DOMAIN.

To the Constitutional Convention of the State of South Carolina:

The Committee on Eminent Domain begs leave to report and recommends the adoption of the following document as Article 6 of the Constitution of the State of South Carolina:

ARTICLE 6.

Eminent Domain.

Section 1. The State shall have concurrent jurisdiction on all rivers bordering on this State so far as such rivers shall form a common boundary to this and any other State bounded by the same; and they, together with all other navigable waters within the limits of the State, shall be common highways and forever free, as well to the inhabitants of this State as to the citizens of the United States, without any tax or impost therefor, unless the same be expressly provided for by the General Assembly.

Section 2. The title to all lands and other property which have heretofore accrued to this State by grant, gift, purchase, forfeiture, escheats or otherwise, shall vest in the State of South Carolina, the same as though no change had taken place.

Section 3. The people of the State are declared to possess the ultimate property in and to all lands within the jurisdiction of the State; and all lands the title to which shall fail from defect of liens shall, revert or escheat to the people.

JOHN B. DENT,
H. H. MURRAY,
I. R. REED,
E. J. KENNEDY,
J. F. ASHE,
GEO. P. McKAGEN,
C. H. PEAKE,
DANIEL J. BRADHAM.
JOSEPH L. OLIVER,
F. P. WOODWARD.

On motion of Mr. EFIRD, at 11:35 P. M., the Convention adjourned until 9:30 A. M. to-morrow.

FIFTY-THIRD DAY.

Thursday, November 21, 1895.

The Convention assembled at 9:30 o'clock A. M.

The Secretary called the roll.

The following delegates answered to their names:

Hon. John Gary Evans, President, and Messrs. Alexander, Anderson, Ashe, Atkinson, Austin, Barry, Barton, Bates, Behre, Bobo.

Bowen, Bowman, Bradham, Breazeale, J. S. Brice, T. W. Brice, Bryan, Buist, Burn, Cantey, Carver, Clayton, Connor, Cooper, Cunningham, DeHay, Dennis, Dent, Derham, Douglass, Doyle, Dudley, Efird, Ellerbe, Estridge, W. D. Evans, Field, Fitch, Floyd, Fraser, Gage, Gamble, Garris, Gary, Gilland, J. L. Glenn, J. P. Glenn, Gooding, Graham, Gray, Gunter, Hamel, Harris, Harrison, Hay, Haynsworth, Hemphill, D. S. Henderson, Henry, Houser, Howell, Hutson, Jervey, T. E. Johnson, George Johnstone, Ira B. Jones, Wilie Jones, Keitt, E. J. Kennedy, J. W. Kennedy, Klugh, Lee, Lowman, Lybrand, McCalla, McCaslan, McCown, McDermotte, McGowan, McKagen, McMahan, McMakin, McWhite, Meares, Miller, Mitchell, J. D. Montgomery, W. J. Montgomery, Moore, Mower, Murray, Nash, Nathans, Nicholson, Oliver, Otts, Parler, Parrott, Patterson, Patton, Peake, Prince, Ragsdale, J. H. Read, I. R. Reed, Rogers, Rosborough, Rowland, Russell, Scarborough, Shuler, Singletary, Sligh, Sloan, Smalls, A. J. Smith, R. F. Smith, W. C. Smith, Smoak, Stackhouse, Stokes, Stribling, Sullivan, Talbert, Taylor, B. R. Tillman, G. D. Tillman, Timmerman, Von Kolnitz, Waters, Watson, Wells, Wharton, Whipper, A. H. White, S. E. White, Wiggins, Stanyarne Wilson, W. B. Wilson, Winkler, and Woodward.

Present, 150.

The PRESIDENT took the chair.

A quorum being present, the deliberations were opened with prayer by the Rev. Mr. PARROTT.

The Journal of yesterday's proceedings was read and confirmed.

LEAVES OF ABSENCE.

Indefinite leave was granted to Mr. Redfearn on account of sickness; to Mr. Jervey on account of illness in his family; until Tuesday to Mr. Estridge; until Monday to Messrs. Rogers and Mitchell.

REPORT OF STANDING COMMITTEE.

Mr. AUSTIN, for the Committee on Counties and County Government, submitted the following report, which was read the first time and ordered for consideration to-morrow:

The Committee on County and County Government, to whom was referred a petition from certain persons of Charleston and Berkeley County petitioning for the formation of the new judicial and election County to be known as Seabrook County, or any other name that may be selected, and also a petition from the said County in opposition to the formation of the said Seabrook County, would respectfully report:

That they have given the two petitions due and careful consideration, and, after hearing argument pro and con from their respective attorneys, find much merit and justice in the claim of those praying for the formation of the said Seabrook County; and respectfully recommend the passage of the following ordinance, that they may get the relief prayed for in their petition:

AN ORDINANCE TO RELIEVE THE CONTEMPLATED NEW COUNTY OF SEABROOK FROM THE PROVISIONS OF SECTION 5, ARTICLE ON COUNTY AND COUNTY GOVERNMENTS.

Be it ordained by the people of South Carolina, in regular convention assembled, That nothing in Section 5, Article on Counties and County Government, of this Constitution, ordained and established by the people of South Carolina, now in regular convention assembled, shall apply to prevent the formation of Seabrook County, or by any other name that it may be called, with the following metes and boundaries, to wit:

Beginning at the mouth of the South Edisto River where it empties into the Atlantic Ocean, and following up said river to the Dawho River, and thence up this river to its intersection with the North Edisto River to the Stono River, and thence up to Rantowle's Creek to its intersection with the Colleton County line; thence along the said line to the eastern bank of the Ashley River; thence down said river to the line of Colleton County on said bank; thence in an easterly direction to the nearest point on Goose Creek, down said creek to Cooper River, and up said Cooper River to the Capital Tea; thence up the eastern branch of said Cooper River or the swamp, or head waters of said river, at the corner of St. James' and St. Stephen's Parishes; thence in an easterly direction to the fork of the Half Way Creek road, and the road known as the Thompson Road, near the Picture Branch; thence down the Thompson Road to the main run of the Wambaw Swamp; thence down said run to Wambaw Creek, along said creek to the Santee River, and down said river to the Charleston line on the Fairfield Plantation, and thence down along said Charleston County line to Owendaw Creek at a stone marked "Charleston and Berkeley County line;" thence along and skirting the marsh at high-water mark on the main land to the confluence of the Wando and Cooper rivers; thence up the Cooper River to the line between the parishes of St. James Goose Creek and St. Philip's; thence along said line across the Charleston Neck to the Ashley River; thence down the Ashley River to Wappoo Cut; thence along Wappoo Cut to said Stono River, down said Stono River to the mouth of said river; thence skirting the marsh at high-water mark at Kiawah, Seabrook and Edisto Island to the beginning of the mouth of the said Edisto River.

UNFINISHED BUSINESS.

SPECIAL ORDER.

No. 10, report of Committee on Legislative Department.

Section 29. Mr. SLIGH moved to amend by adding the following to the amendment of Mr. Fraser: "And no waiver, mortgage or other

lien shall be permitted to defeat the exemption in lands after the homestead has been claimed."

Mr. SLIGH spoke in support of his proposed amendment.

Debate continued by Mr. Patton.

The PRESIDENT called Vice President Talbert to the chair.

Debate continued by Messrs. Ragsdale and Glenn.

Mr. STANYARNE WILSON moved to reconsider the vote whereby one hour was fixed as the time for debate on this Section ; which was agreed to.

Mr. STANYARNE WILSON moved that one hour more be given to the discussion of this Section ; which was agreed to.

Debate continued by Messrs. Gage and Hutson.

Mr. RAGSDALE moved to indefinitely postpone the amendment.

Debate continued by Mr. John Gary Evans.

Mr. ROGERS moved to give Mr. Burn ten minutes time to speak.

Mr. McCALLA moved to lay that motion on the table.

The question being put: "Will the Convention agree thereto ?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows :

Yeas, 61 ; nays, 57.

Those who voted in the affirmative are :

Messrs. Alexander, Ashe, Austin, Barry, Barton, Bobo, Bowen, Bowman, Bradham, Bryan, Cantey, Carver, Cunningham, DeHay, Douglass, Doyle, Dudley, Estridge, Field, Gage, Gamble, J. P. Glenn, Gooding, Graham, Harris, Harrison, Hemphill, D. S. Henderson, Wm. Henderson, Houser, Jervey, J. W. Kennedy, Lowman, Lybrand, McCalla, McKagen, McMakin, Moore, Morrison, Murray, Nash, Nathans, Nicholson, Peake, Rosborough, Rowland, Singletary, R. F. Smith, W. C. Smith, Stokes, Stribling, Sullivan, Taylor, B. R. Tillman, G. D. Tillman, Waters, Wharton, A. H. White, S. E. White, Wiggins, and Woodward.—61.

Those who voted in the negative are :

Messrs. Anderson, Atkinson, Bates, Breazeale, J. S. Brice, T. W. Brice, Buist, Clayton, Cooper, Dennis, Dent, Efird, Fitch, Floyd, Fraser, J. L. Glenn, Hamel, Hay, Haynsworth, Henry, Howell, T. E. Johnson, Ira B. Jones, Wilie Jones, Keitt, E. J. Kennedy, Lee, McCaslan, McCown, McDermotte, McGowan, McMahan, McWhite, Meares, J. D. Montgomery, W. J. Montgomery, Oliver, Otts, Parrott, Patterson, Prince, Ragsdale, I. R. Reed, Rogers, Scarborough, Shuler, Sligh, Sloan, Smalls, A. J. Smith, Smoak, Stackhouse, Talbert, Timmerman, Wells, Whipper, W. C. Wilson, and Winkler.—57.

REASONS FOR VOTING.

In voting no upon the proposition to prevent Mr. Burns, of Darlington, from making an argument in favor of preserving to our women and children a homestead, I wish to emphasize my abhorrence at the action of the Convention in delegating to three men, called a Steering Committee, the running of this Convention. It has destroyed the freedom of speech, is tyrannical, and subversive of the rights of the people.

W. F. CLAYTON.

On the motion to table the motion to grant Mr. Burns ten minutes to speak on the homestead, I vote "aye," for the reason that Mr. Burns "relieves" the Convention, and for the further reason that in my opinion *argument* on this question is exhausted, and the Convention should come to a vote on it.

J. C. KLUGH.

Debate continued by Mr. George Johnstone.

The PRESIDENT resumed the chair.

Debate continued by Messrs. Bowman, Garris and Howell.

The question being upon Mr. Ragsdale's motion to indefinitely postpone Mr. Sligh's amendment: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 66; nays, 72.

Those who voted in the affirmative are:

Yeas—Messrs. Alexander, Anderson, Ashe, Atkinson, Austin, Barry, Barton, Behre, Bowman, J. S. Brice, T. W. Brice, Bryan, Carver, Cooper, DeHay, Dennis, Dent, Doyle, Dudley, Efird, Estridge, Fraser, Garris, Gilland, J. L. Glenn, Gunter, Hamel, Haynsworth, Hemphill, D. S. Henderson, Wm. Henderson, Howell, Hutson, T. E. Johnson Ira B. Jones, Wilie Jones, E. J. Kennedy, Klugh, Lee, McGowan, Meares, Morrison, Mower, Murray, Nathans, Nicholson, Parler, Patton, Peake, Prince, Ragsdale, J. H. Read, Rogers, Singletary, Sloan, R. F. Smith, Stribling, Sullivan, Talbert, Taylor, Timmerman, Watson, A. H. White, S. E. White, Wiggins, and Stanyarne Wilson.—66.

Those who voted in the negative are:

Nays—Hon. John Gary Evans, President, and Messrs. Bates, Bobo, Bowen, Bradham, Breazeale, Buist, Burn, Cantey, Clayton, Connor, Cunningham, Derham, Douglass, Ellerbe, W. D. Evans, Field, Fitch, Floyd, Gage, Gamble, Gary, J. P. Glenn, Gooding, Graham, Gray, Harris, Harrison, Henry, Houser, Jervey, George Johnstone, Keitt, J. W. Kennedy, Lowman, Lybrand, McCalla, McCaslan, McCown, McDermotte, McKagen, McMahan, McMakin, McWhite, Mitchell, J. D. Montgomery, W. J. Montgomery, Moore, Nash, Oliver, Otts, Par-

rott, Patterson, I. R. Reed, Rosborough, Rowland, Russell, Shuler, Sligh, Smalls, A. J. Smith, W. C. Smith, Smoak, Stokes, B. R. Tillman, G. D. Tillman, Von Kolnitz, Waters, Wharton, Whipper, W. B. Wilson, and Woodward.—72.

PAIRS.

Mr. HAY stated that he was paired with Mr. Stackhouse, otherwise he wruld vote "aye."

Mr. WINKLER stated that he was paired with Mr. Scarborough, otherwise he would vote "aye."

The amendment was then agreed to.

Mr. SLIGH moved to reconsider the vote whereby the Convention agreed to this amendment, and to lay that motion on the table; which was agreed to.

Mr. ROGERS moved to amend as follows:

Amend Section 29 as follows:

Insert on line 7 after the word "dollars": "*Provided,* That the creditor or creditors of the homestead claimant shall have the right, upon executing a full release and acquittance of all debts held by him or them against the claimant, and paying into Court the sum of fifteen hundred dollars, to be, under order of Court, invested in a permanent homestead for the family of the claimant, to have all the property of the claimant sold and the proceeds distributed pro rata among the creditors without regard to legal priorities.'

Mr. SLIGH moved to lay the amendment upon the table; which was agreed to.

Mr. SLIGH moved to amend as follows:

Strike out on 4th line all of the words down to the word "*Provided,*" on line 7, and insert: "to the value of $1,000, or so much thereof as the property is worth if its value is less than $1,000, with the yearly products thereof; and to every head of a family residing in this State, whether entitled to a homestead exemption in lands or not, personal property to the value of the sum of $500, or so much thereof as the property is worth if its value is less than $500."

Which was agreed to.

Mr. IRA B. JONES moved to amend by adding after the word "homestead," on line 15, the words "or personal property exemption;" which was agreed to.

Also, after the word "erection" on line 15 insert the words "or making;" which was agreed to.

Also, between the words "improvements" and "thereon," in line 15, and insert the words "or repairs;" which was agreed to.

Mr. FITCH moved to amend as follows:

"*Provided further,* That any person not the head of a family shall be entitled to a like exemption as provided for the head of a family, in all necessary wearing apparel and personal property, not to exceed in value the sum of three hundred dollars."

After debate by Messrs. Fitch, George Johnstone, W. J. Montgomery and Connor, the question being put, the Convention agreed to the amendment.

Mr. GAGE moved to amend line 2 after the word "attachment," insert the word "levy;" which was agreed to.

Mr. SLIGH moved to amend line 19 by inserting after the word "homestead" the words "before assignment;" which was agreed to.

Mr. IRA B. JONES moved to amend as follows, line 19, by striking out the words "except it be by deed or mortgage, and only as against the mortgage debt," and inserting the words "except by deed of conveyance, or by mortgage, and only as against the mortgage debt;" which was agreed to.

The Section as amended was adopted.

Mr. BRYAN moved to recur to Section 9; which was agreed to.

Mr. BRYAN moved to amend as follows: Insert on line 1, after the words "Section 9," the following: "The annual session of the General Assembly heretofore elected, fixed by the Constitution of 1868 to convene on the fourth Tuesday of November, 1895, is hereby postponed, and the same shall be convened and held in the city of Columbia on the second Tuesday of January, 1896;" which was agreed to.

The Section as amended was adopted.

Mr. SLIGH moved to recur to Section 34; which was agreed to.

Mr. FRASER introduced the following ordinance, which was read the first time and referred to the Committee on Judicial Department:

AN ORDINANCE TO PROVIDE FOR THE TRANSFER OF THE STATE GOVERNMENT FROM THE OLD CONSTITUTION TO THE NEW CONSTITUTION ADOPTED AT THIS CONVENTION.

Be it ordained by the people of South Carolina, now in convention assembled:

1. That the Constitution of South Carolina as it existed on the 10th day of September, A. D. 1895, shall continue in force until the Constitution adopted at this Convention shall go into effect.

2. That the Constitution adopted at this Convention, except as hereinafter provided, shall go into effect on Tuesday after the second Monday in November, A. D. 1896.

3. That so much of the Constitution adopted at this Convention as provides for the registration of electors qualified under said Constitution and for the enactment by the General Assembly of laws regulating elections shall go into effect immediately.

4. That the General Assembly which shall met on the second Tuesday in January, A. D. 1896, shall have all the powers heretofore vested in the General Assembly, and shall also enact all such laws as may be proper to provide for the registration of voters and the conduct and management of all elections to be held on Tuesday after the fourth Monday in November, 1896, and thereafter.

5. That the General Assembly at its meeting on second Tuesday in January, 1896, shall pass the necessary supply and appropriation Acts to conduct the State Government in all departments, to pay the interest on the State debt and all other proper claims against the State under existing laws, and up to the time when the first General Assembly shall meet elected under the new Constitution.

6. That all officers, Legislative, Executive and Judicial, and all persons holding positions of profit or trust by election or appointment under the Constitution or laws of this State, shall continue to hold under the same enur e and for the same terms for which they were respectively elected or appointed, and until their successors are elected or appointed and qualified, if such successor shall be provided for by the Constitution or laws of the State.

7. That all the common and Statute laws of this State now in force shall continue in force, unless inconsistent with the new Constitution when it goes into effect, until repealed by law.

Mr. GEORGE JOHNSTONE having the floor, addressing the Convention upon Section 34, at 2 P. M., the hour of recess having arrived, the Convention receded from business until 4 P. M. this day.

RECESS.

The PRESIDENT resumed the chair at 4 P. M.

REPORTS OF STANDING COMMITTEES.

Mr. McCOWN, for the Committee on Engrossed Resolutions and Ordinances, submitted the following report:

The Committee to whom the within (No. 48) ordinance relating to the age of consent was referred beg leave to report that the same has been correctly engrossed and revised.

R. M. McCOWN,
For Committee.

Which was received as information.

Mr. GILLAND, for Committee on Engrossed Resolutions and Ordinances, submitted the following report:

The Committee to whom the within (No. 58) ordinance defining the pay and mileage of the members, officers and employees of the Convention was referred, beg leave to report that the same has been correctly engrossed and revised.

THOMAS M. GILLAND,
For Committee.

Which was received as information.

Mr. W. J. MONTGOMERY, for the Committee on Engrossed Resolutions, submitted the following report:

The Committee on Engrossed Resoluions and Ordinances, to whom was referred an Article relating to education, beg leave to report that the same has been correctly engrossed and revised.

W. J. MONTGOMERY,
For Committee.

Received as information.

No. 10, report of Committee on Legislative Department.

Section 34. Mr. GEORGE JOHNSTONE moved to amend as follows: On line 2 strike out the words "one-eighth or more of" and insert the word "any."

Also, add to the end of the Section the following words: "*Provided,* That this Section shall not be construed to class as a negro any person who is now classed as a white person, nor shall the descendant of any such person be so classed."

Mr. G. D. TILLMAN moved to lay both amendments on the table.

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows:

Yeas, 74; nays, 56.

Those who voted in the affirmative are:

Yeas—Hon. John Gary Evans, President, and Messrs. Anderson, Ashe, Atkinson, Bowman, Breazeale, T. W. Brice, Bryan, Burn, Clayton, Connor, Cooper, Cunningham, DeHay, Dennis, Derham, Douglass, Efird, W. D. Evans, Floyd, Gage, Gamble, Garris, Gilland, J. L. Glenn, J. P. Glenn, Gooding, Graham, Harris, Harrison, Hay, Haynsworth, D. S. Henderson, Howell, Hutson, T. E. Johnson, Keitt, E. J. Kennedy, Lowman, McCalla, McCaslan, McCown, McDermotte, McKagen, McMakin, McWhite, Meares, Mitchell, J. D. Montgomery, W. J. Montgomery, Morrison, Murray, Nathans, Nicholson, Otts, Parrott, Ragsdale, Russell, Shuler, Singletary, Sligh,

Smalls, Stokes, Stribling, Sullivan, Talbert, Taylor, B. R Tillman, G D. Tillman, Timmerman, Watson, Whipper, Wiggins, and Woodward.—74.

Those who voted in the negative are :

Nays—Messrs. Aldrich, Alexander, Austin, Barry, Barton, Bates, Behre. Bobo, Bowen, Bradham, J. S. Brice, Buist, Cantey, Doyle, Dudley, Ellerbe, Estridge, Field, Fitch, Gary, Gunter, Hamel, Wm. Henderson, Henry, George Johnstone, Ira B. Jones, Wilie Jones, J. W. Kennedy, Klugh, Lee, McGowan, McMahan, Moore, Mower, Nash, Oliver, Parler, Patterson, Peake, Prince, Rosborough, Rowland, Sloan, A. J. Smith, R. F. Smith, W. C. Smith, Smoak, Stackhouse, Von Kolnitz, Waters, Wells, Wharton, A. H. White, S. E. White, Stanyarne Wilson, W. B. Wilson, and Winkler.—56.

PAIRS.

Mr. SCARBOROUGH stated that he was paired with Mr. Fraser, otherwise he would vote "no."

Mr. IRA B. JONES moved to strike out the Section.

On motion of Mr. McCALLA, the motion to strike out was laid on the table.

Mr. SMALLS moved to amend as follows :

By adding after the word "void," in the second line, the words "and any white person who lives and cohabits with a negro, mulatto, or person who shall have one-eighth or more of negro blood shall be disqualified from holding any office of emolument or trust in this State, and the offspring of any such living or cohabiting shall bear the name of the father."

The question being put: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows :

Yeas, 50 ; nays, 80.

Those who voted in the affirmative are :

Yeas—Hon. John Gary Evans, President, and Messrs. Anderson, Ashe, Bates, Breazeale, T. W. Brice, Buist, Burn, Cantey, Clayton, Dudley, Fitch, Floyd, Gage, Harris, Harrison, Hay, D. S. Henderson, Henry, Houser, Klugh, Lee, McCaslan, McCown, McDermotte, McGowan, McKagen, McMahan, J. D. Montgomery, Moore, Nash, Otts, Parler, Parrott, Russell, Scarborough, Smalls, A. J. Smith, R. F. Smith, W. C. Smith, Smoak, Stackhouse, B. R. Tillman, Watson, Wells, Wharton, Whipper, S. E. White, W. B. Wilson, and Woodward.—50.

Those who voted in the negative are:

Nays—Messrs. Alexander, Atkinson, Austin, Barton, Behre, Bobo, Bowen, Bowman, Bradham, J. S. Brice, Bryan, Carver, Connor, Cooper, Cunningham, DeHay, Dennis, Derham, Douglass, Doyle, Efird, Ellerbe, Estridge, W. D. Evans, Field, Fraser, Garris, Gary, Gilland, J. L. Glenn, J. P. Glenn, Gooding, Graham, Gunter, Hamel, Haynsworth, Wm. Henderson, Howell, Hutson, T. E. Johnson, George Johnstone, Ira B. Jones, Wilie Jones, Keitt, E. J. Kennedy, J. W. Kennedy, Lowman, McCalla, McMakin, McWhite, Meares, Mitchell, Morrison, Mower, Murray, Nathans, Nicholson, Patterson, Patton, Peake, Ragsdale, J. H. Read, Rowland, Shuler, Singletary, Sligh, Sloan, Stokes, Stribling, Sullivan, Talbert, Taylor, G. D. Tillman, Timmerman, Von Kolnitz, Waters, A. H. White, Wiggins, Stanyarne Wilson, and Winkler.—80.

The Section was adopted as reported by the Committee.

Mr. McMAHAN offered the following to be an additional Section to the Article:

It shall be the duty of the General Assembly to enact laws limiting the number of acres of land which any foreign citizen or any corporation composed of foreign citizens may own within this State.

Mr. McMAHAN spoke in support of his proposed Section.

Debate continued by Messrs. Stokes, Talbert, Morrison, Patterson, Bryan, D. S. Henderson, Bates and Ragsdale.

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

Yeas, 76; nays, 60.

Those who voted in the affirmative are:

The yeas and nays were requested, and are as follows:

Yeas—Hon. John Gary Evans, President, and Messrs. Alexander, Ashe, Austin, Barton, Behre, Bowen, Bowman, Bradham, Breazeale, Bryan, Buist, Burn, Cantey, Carver, Connor, Cooper, Cunningham, Derham, Doyle, Efird, Ellerbe, W. D. Evans, Floyd, Garris, Gary, J. P. Glenn, Graham, Gray, Harris, Harrison, Hay, Hemphill, Henry, Houser, Howell, T. E. Johnson, George Johnstone, Keitt, Klugh, Lowman, McCalla, McCown, McDermotte, McKagen, McMahan, Otts, Parler, Parrott, Patterson, Rosborough, Rowland, Russell, Scarborough, Shuler, Singletary, Sligh, A. J. Smith, R. F. Smith, W. C. Smith, Smoak, Stackhouse, Stokes, Stribling, Talbert, Taylor, B. R. Tillman, Timmerman, Waters, Stanyarne Wilson, W. B. Wilson, Winkler, and Woodward.—73.

Those who voted in the negative are :

Nays—Messrs. Anderson, Atkinson, Bates, Bobo, T. W. Brice, Clayton, DeHay, Dennis, Douglass, Dudley, Estridge, Field, Fraser, Gage, Gamble, Gilland, J. L. Glenn, Gooding, Gunter, Hamel, Haynsworth, D. S. Henderson, Wm. Henderson, Hutson, Ira B. Jones, Wilie Jones, E. J. Kennedy, J. W. Kennedy, Lee, McCaslan, McGowan, McMakin, McWhite, Meares, Mitchell, J. D. Montgomery, W. J. Montgomery, Moore, Morrison, Mower, Murray, Nash, Nathans, Nicholson, Patton, Peake, Prince, Ragsdale, J. H. Read, Sloan, Smalls, Sullivan, G. D. Tillman, Watson, Wells, Wharton, Whipper, A. H. White, S. E. White, and Wiggins.—60.

Mr. McMAHAN moved to reconsider the vote whereby the proposed Section was agreed to and to lay that motion on the table ; which was agreed to.

Mr. DOYLE moved the following to be known as

Section —. The total official cost and expenses of administering, partitioning, division or settlement of estates, or of foreclosing mortgages, shall never exceed ten per centum of the total value of estates or land to be administered, partitioned, divided or settled, or of the property covered by the mortgage, except where said total value is one hundred dollars or less, when said cost and expenses may be twenty per centum of said total value if the said twenty per centum does not produce over ten dollars: *Provided*, That this prohibition shall not operate to defeat contracts or agreements for a greater amount made by the parties interested therein who are *sui juris*.

After debate by Messrs. Doyle, Buist, Talbert, Wharton, Howell, Sligh, Bowman and Lee,

Mr. PATTERSON moved that the time for taking the vote be extended three minutes.

Mr. McCALLA moved to lay the motion on the table.

The question being put : "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows :

Yeas, 78 ; nays, 53.

Those who voted in the affirmative are :

Hon. John Gary Evans, President, and Messrs. Alexander, Ashe, Atkinson, Austin, Barry, Barton, Bobo, Bowen, Bowman, Bradham, T. W. Brice, Buist, Cantey, Carver, Connor, Cunningham, DeHay, Dennis, Douglass, Dudley, W. D. Evans, Field, Gage, Gamble, Garris, Gary, Gilland, J. P. Glenn, Gooding, Graham, Gunter, Harris, Harrison, Haynsworth, D. S. Henderson, Wm. Henderson, Henry,

Houser, T. E. Johnson, Keitt, J. W. Kennedy, Lowman, McCalla, McCaslan, McDermotte, McKagen, McMakin, McWhite, Moore, Morrison, Nathans, Nicholson, Otts, Parler, Peake, Rosborough, Singletary, Sligh, A. J. Smith, W. C. Smith, Stackhouse, Stokes, Stribling, Talbert, Taylor, B. R. Tillman, G. D. Tillman, Waters, Watson, Wharton, Whipper, A. H. White, S. E. White, Wiggins, Stanyarne Wilson, W. B. Wilson, and Woodward.—78.

Those who voted in the negative are :

Nays—Messrs. Anderson, Bates, Behre, Breazeale, J. S. Brice, Bryan, Burn, Clayton, Cooper, Derham, Doyle, Efird, Ellerbe, Estridge, Fitch, Floyd, Fraser, J. L. Glenn, Gray, Hamel, Hay, Hemphill, Howell, Hutson, Ira B. Jones, Wilie Jones, Klugh, Lee, McCown, McGowan, McMahan, Meares, Mitchell, J. D. Montgomery, W. J. Montgomery, Mower, Murray, Nash, Parrott, Patterson, Patton, Prince, Ragsdale, Scarborough, Shuler, Sloan, Smalls, Smoak, Sullivan, Timmerman, Von Kolnitz, Wells, and Winkler.—53.

The proposed Section of Mr. Doyle was adopted.

The Article as amended was read the second time, adopted and ordered engrossed to a third reading to-morrow.

GENERAL ORDERS.

Mr. RAGSDALE moved to take up

No. 62, an ordinance to provide that the General Assembly may enact such laws as may be necessary to validate and carry into effect subscriptions to the capital stock of certain railroad companies heretofore voted by the County of Fairfield, and to validate and authorize the issue of bonds in payment of the same.

Mr. McGOWAN moved to amend by adding the following :

Section 2. The several townships through which the line of the Carolina, Cumberland Gap and Chicago Railroad Company is now located in this State may subscribe to the capital stock of said company by the issue of bonds or by taxation upon such conditions and restrictions as are now or may be prescribed by law, said subscriptions to be made only with the consent of a majority of the qualified electors of said townships voting in elections to be held therein for that purpose. The General Assembly shall provide for holding such elections.

Mr. BOWEN moved to lay the amendment on the table; which was agreed to.

The ordinance was read the second time, adopted and ordered engrossed to a third reading to-morrow.

The hour for adjournment, 4 P. M., having arrived, the Convention receded from business until 7:30 P. M. this day.

RECESS.

The PRESIDENT resumed the chair at 7:30 P. M.

SPECIAL ORDER.

No. 12, Article 9 of the Constitution as proposed by the Committee on Finance and Taxation (Mr. W. D. Evans for Committee).

Mr. VON KOLNITZ moved to reconsider the vote whereby the Convention adopted the report of the Steering Committee so far as it relates to the report of the Committee on Judicial Department and the Committee on Finance and Taxation.

After debate by Messrs. Von Kolnitz and Stanyarne Wilson,

Mr. McCALLA moved to lay the motion on the table; which was agreed to.

Section 1 was adopted as reported by the Committee.

Sections 2 and 8, on motion of Mr. W. D. EVANS, were stricken out, as the subject matter was covered by the report of the Committee on Education.

Section 17 was adopted as reported by the Committee.

Mr. McGOWAN moved to reconsider the vote whereby Section 7 was adopted; which was agreed to.

Section 7. Mr. McGOWAN moved to amend as follows: "Add to the end of the Section: *Provided,* That the General Assembly may authorize any County or township to subscribe to the capital stock of any railroad to be constructed through such County or township, and to levy tax or issue bonds for the payment of such subscriptions."

After debate by Messrs. McGowan, Field, W. J. Montgomery, B. R. Tillman, Ira B. Jones and Woodward,

Mr. McGOWAN moved to amend his amendment as follows: "*Provided, further,* That a majority of the freeholders in such Counties or townships vote for such tax or bonds at an election held for that purpose.

After debate by Messrs. McGowan, Lowman and W. D. Evans,

On motion of Mr. W. D. EVANS, the amendment was laid on the table.

Section 3 was adopted as reported by the Committee.

The Article having been read the second time was adopted and ordered engrossed for a third reading to-morrow.

Mr. W. D. EVANS asked leave to recur to the morning hour; which was agreed to.

Mr. W. D. EVANS introduced the following ordinance, which was read the first time and ordered for consideration to-morrow :

AN ORDINANCE TO PROVIDE FOR THE PAYMENT OF THE PER DIEM AND MILEAGE OF THE DELEGATES, OFFICERS AND EMPLOYEES OF THE CONVENTION AND OTHER NECESSARY EXPENSES, AND TO REQUIRE THE GENERAL ASSEMBLY TO MAKE ADDITIONAL APPROPRIATIONS TO PAY THE SAME.

We, the people of South Carolina, by our delegates in convention assembled, do ordain:

Section 1. That the amount of sixty thousand dollars, if so much may be necessary, be, and is hereby, appropriated to pay the *per diem* and mileage of the delegates, officers and employees of the Convention and other necessary expenses.

Section 2. That the State Treasurer be, and he is hereby, authorized to borrow from the banks designated as State depositories an amount of money sufficient to pay the balance due of said appropriation after the exhaustion of the thirty thousand dollars appropriated by the General Assembly for this purpose, and to pay the warrants issued by the Secretary of this Convention and countersigned by the President for the *per diem* and mileage of delegates, officers and employees and other necessary expenses, and to hold them as his vouchers.

Section 3. That the General Assembly is hereby required and directed at its next session to make an appropriation sufficient to pay the amount of money the State Treasurer is herein authorized to borrow for the payment of the balance of the *per diem* and mileage of the delegates, officers and employees of the Convention and other necessary expenses after the exhaustion of the thirty thousand dollars already appropriated by the General Assembly.

Also, the following ordinance, which was read the first time and ordered for consideration to-morrow :

AN ORDINANCE TO PROVIDE FOR THE PAYMENT OF INTEREST ON THE PUBLIC DEBT OF THE STATE OF SOUTH CAROLINA TO BECOME DUE ON THE FIRST DAY OF JANUARY, A. D. 1896, AND TO REQUIRE THE GENERAL ASSEMBLY TO MAKE APPROPRIATIONS FOR THIS PURPOSE.

We, the people of South Carolina, by our delegates in convention assembled, do ordain:

Section 1. That the State Treasurer be, and he is hereby, authorized to make arrangements with the banks designated as State depositories for the payment of the semi-annual interest due on the public debt of the State on the first day of January, A. D. 1896, and to hypothecate the interest coupons, to be held until an appropriation is made by the General Assembly for the payment of the said interest.

Section 2. That the General Assembly at its next session is hereby required and directed to make an appropriation for the payment of the said interest, and, when so made, the interest coupons hypothecated with

the bank or banks shall be surrendered to the State Treasurer for cancellation.

SPECIAL ORDER.

Calendar No. 42, report of Committee on Judicial Department.

Mr. VON KOLNITZ, at the request of Mr. Jervey, submitted the following substitute for the report of the Committee, which was ordered printed in the Journal to-morrow:

ARTICLE 4.

Judicial Department.

Section 1. The judicial power of this State shall be vested in a Supreme Court, in two Circuit Courts, to wit: A Court of Common Pleas having civil jurisdiction, and a Court of General Sessions, having criminal jurisdiction only. The General Assembly may also establish County Courts, municipal and such other Courts inferior to Circuit Courts as may be deemed necessary.

Section 2. There shall be one Chief Justice, three Judges at Large, and as many Circuit Judges as there may be Circuits within the State, who shall hold their offices for the term of eight years and shall continue in office until their successors are elected and qualified.

Section 3. The Chief Justice and Judges at Large shall be elected by the General Assembly by a *viva voce* vote from the State at large, and the Circuit Judges shall be elected by the General Assembly from the electors of the Circuit from which he is elected. No person shall be elected to the office of Judge who has not been admitted to the practice of law in this State.

Section 4. The Supreme Court shall consist of the Chief Justice and three other Judges; and in the event the Chief Justice or one or more of the Judges then constituting the Supreme Court shall be disqualified, the Governor shall call in some person learned in the law to supply his place.

Section 5. The Supreme Court shall hold three terms in each year, at such times and places as may be prescribed by the General Assembly.

Section 6. The Chief Justice shall prescribe an order of rotation of services of the Judges at Large and Circuit Judges whereby three of them will be in each term sitting on the Supreme Court and the others on Circuit, and so that at each term one Judge will leave the Supreme Court and go on Circuit, and one, in rotation, will go from Circuit on the Supreme Bench.

Section 7. The Supreme Court shall have power to issue writs or orders of injunction, *mandamus, quo warranto,* prohibition, *certiorari, habeas corpus* and other original remedial writs; and said Court shall have appellate jurisdiction only in cases of Chancery, and shall constitute a Court for the correction of errors of law under such regulations as the General Assembly may by law prescribe.

Section 8. There shall be appointed by the Chief Justice a Reporter and a Clerk of said Court, who shall hold their offices for four years, and whose duties and compensation shall be prescribed by law.

Section 9. When a judgment or decree is reversed or affirmed by the Supreme Court, every point made and distinctly stated in the cause and fairly arising upon the record of the case shall be considered and decided, and the reasons thereof shall be concisely and briefly stated in writing and preserved with the records of the case.

Section 10. The Chief Justice, the Judges at Large and the Circuit Judges shall each receive compensation for their services, to be fixed by law, which shall not be increased or diminished during their continuance in office. They shall not be allowed any fees or perquisites of office, nor shall they hold any other office of trust or profit under this State, the United States, or any other power.

Section 11. No person shall be eligible to the office of Chief Justice, Judge at Large or Circuit Judge who is not at the time of his election a citizen of the United States and of this State, and has not attained the age of thirty years and been a resident of this State for five years next preceding his election.

Section 12. All vacancies in the Judicial Department shall be filled by elections as herein prescribed: *Provided*, That if the unexpired term does not exceed one year such vacancy may be filled by Executive appointment. All Judges, by virtue of their office, shall be conservators of the peace throughout the State.

Section 13. In all cases decided by the Supreme Court the concurrence of three members of the Court shall be necessary for a decision; but whenever, upon the hearing of any cause or question before the Supreme Court, it shall appear to the Court, or any two members thereof, that there is a question of constitutional law, or of conflict between the Constitution and laws of this State and of the United States, or between the duties and obligations of her citizens under the same, or in case the Court shall be equally divided on any question, it shall be the duty of the Chief Justice, or in his absence of the presiding Judge, to call to the assistance of the Supreme Court all the Judges at Large and Circuit, the decision of which Court, or a majority of the Judges sitting in the same, shall be final and conclusive; and the Chief Justice, or in his absence the presiding Judge, shall likewise, at the wish of any two of the Judges of the Supreme Court, call to the assistance of the Supreme Court said Judges for the determination of any other cause or question to be submitted to them, and the decision of said Court, or a majority of the Justices and Judges sitting in the same, shall be final and conclusive; and in such cases the Chief Justice, or in his absence the presiding Associate Justice, shall preside.

Section 14. The State shall be divided into as many Judicial Circuits as the General Assembly may prescribe, and for each Circuit a Judge shall be elected by joint *viva voce* of the General Assembly, who shall hold his office for a term of eight years; and at the time of his election he shall be an elector of a County of, and during his continuance in office he shall reside in, the Circuit of which he is Judge. The present Judges of the Circuit Courts shall continue in office until the expiration of the terms for which they were elected.

Section 15. Judges at Large and the Circuit Judges shall interchange Circuits, and the General Assembly shall provide therefor.

Section 16. The Courts of Common Pleas shall have original jurisdiction, subject to appeal to the Supreme Court, to issue writs or orders of injunction, *mandamus*, prohibition, *certiorari*, *quo warranto*, *habeas corpus*, and such other writs as may be necessary to carry their powers into full effect. They shall have jurisdiction in all civil cases. They shall have appellate jurisdiction in all cases within the jurisdiction of inferior Courts.

Section 17. The Court of Common Pleas shall sit in each County in this State at least twice in every year, at such stated times and places as may be appointed by law.

Section 18. It shall be the duty of the Chief Justices and the Judges at Large and Circuit to file their decisions within sixty days from the last day of the Court at which the causes were heard.

Section 19. The Court of General Sessions shall have jurisdiction in all criminal cases. It shall have appellate jurisdiction in all criminal cases within the jurisdiction of inferior Courts inferior to it. It shall sit in each County in the State at least three times in each year, at such stated times and places as the General Assembly may direct.

Section 20. The Court of Probate shall remain as now established in the County of Charleston. In all other Counties of the State the jurisdiction in all matters testamentary and of administration, in business appertaining to minors and the allotment of dower, in cases of idiocy and lunacy, and persons *non compotes mentis*, shall be vested as the General Assembly may provide, and until such provision such jurisdiction shall remain in the Court of Probate as now established.

Section 21. A sufficient number of Magistrates shall be appointed and commissioned by the Governor, by and with the advice and consent of the Senate, for each County, who shall hold their offices for the term of two years and until their successors are appointed and qualified. Each Magistrate shall have the power, under such regulations as may now or hereafter be provided by law, to appoint one or more Constables to execute writs and processes issued by him. The present Trial Justices are declared Magistrates as herein created, and shall exercise the powers and dutes of said office of Magistrate until their successors shall be appointed and qualified.

Section 22. Magistrates shall have jurisdiction in such civil cases as the General Assembly may prescribe: *Provided*, Such jurisdiction shall not extend to cases where the value of property in controversy, or the amount claimed, exceeds one hundred dollars, or to cases where the title to real estate is in question, or to cases in chancery. They shall have jurisdiction in such criminal cases as the General Assembly may prescribe: *Provided*, Such jurisdiction shall not extend to cases where the punishment exceeds a fine of one hundred dollars or imprisonment for thirty days. In criminal matters beyond their jurisdiction to try, they may sit as examining Courts, and commit, discharge or recognize (except in capital cases) persons charged with such offenses, subject to such regulations as the General Assembly may provide. They shall also have the power to bind over to keep the peace and for good behavior for a term not to exceed twelve months.

Section 23. All persons charged with an offense shall have the right to demand and obtain a trial by jury, except in cases of summary jurisdiction in Municipal Courts, to be provided for by the General Assembly. The

jury in cases civil or criminal, in all Courts inferior to Circuit Courts, shall consist of six.

Section 24. Every civil action cognizable by Magistrates shall be brought before some Magistrate in the County where the defendant resides, and every criminal action in the County where the offense was committed. In all cases tried by them the right of appeal shall be secured under such rules and regulations as may be provided by law.

Section 25. All officers other than those named in Section 9 provided for in this Article shall receive for their services such compensation as the General Assembly may from time to time direct.

Section 26. The Chief Justice and the Judges at Large and Circuit Judges shall have the same power at Chambers to issue writs of *habeas corpus* and temporary writs or orders of injunction, *mandamus, quo warranto, certiorari* and prohibition as when in open Court.

Section 27. Judges shall not charge jurors in respect to matters of fact, but shall declare the law.

Section 28. There shall be elected in each County by the electors thereof one Clerk of the Court of Common Pleas, who shall hold his office for the term of four years, and until his successor shall be elected and qualified. He shall, by virtue of his office, be Clerk of all other Courts of record held therein; but the General Assembly may provide by law for the election of a Clerk, with a like term of office, for each or any other of the Courts of record, and may authorize the Judge of the Probate Court to perform the duties of Clerk for his Court, under such regulations as the General Assembly may direct. Clerks of Courts shall be removable for such cause and in such manner as shall be prescribed by law.

Section 29. There shall be an Attorney General for the State, who shall perform such duties as may be prescribed by law. He shall be elected by the qualified electors of the State for the term of two years, and shall receive for his services such compensation as shall be fixed by law.

Section 30. There shall be one Solicitor for each Circuit, who shall reside therein, to be elected by the qualified electors of the Circuit, who shall hold his office for the term of four years, and shall receive for his services such compensation as shall be fixed by law. In all cases where an attorney for the State of any Circuit fails to attend and prosecute according to law, the Court shall have power to appoint an attorney *pro tempore*. In the event of the establishment of County Courts, the General Assembly may provide for one Solicitor for each County in the place and in stead of the Circuit Solicitor, and prescribe his powers, duties and compensation.

Section 31. The qualified electors of each County shall elect a Sheriff and Coroner for the term of four years, and until their successors are elected and qualified. They shall reside in their respective Counties during their continuance in office, and be disqualified for the office a second time if it should appear that they, or either of them, are in default for moneys collected by virtue of their respective offices.

Section 32. All writs and processes shall run and all prosecutions shall be conducted in the name of the State of South Carolina. All writs shall be attested by the Clerk of the Court from which they shall be issued, and all indictments shall conclude "against the peace and dignity of the State."

Section 33. The General Assembly shall provide by law for the speedy publication of decisions of the Supreme Court made under this Constitution.

Section 34. Circuit Courts and all Courts inferior thereto shall have the power, in their discretion, to impose sentence of labor upon highways, streets and other public works upon persons by them sentenced to imprisonment.

Section 35. All matters, civil and criminal, now pending within the jurisdiction of any of the Courts of this State shall continue therein until disposed of according to law.

Section 1 was passed for the present.

Section 2. Mr. RAGSDALE moved to amend as follows: Strike out on line 1 the word "three" and insert the word "two."

Also, strike out on line 2 after the word "Justices" the word "all" and insert the words "any two."

Also, strike out on line 2 the words "shall be present to constitute the Court" and insert the words "shall constitute a quorum."

Mr. RAGSDALE spoke in support of his proposed amendments.

Debate continued by Messrs. George Johnstone, Gage, Haynsworth, Hutson, Talbert, Prince, McCaslan, Bowman, McGowan, Stanyarne Wilson and B. R. Tillman.

The question being put: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 49; nays, 75.

Those who voted in the affirmative are:

Yeas—Messrs. Alexander, Anderson, Ashe, Behre, Bobo, T. W. Brice, Cooper, Cunningham, DeHay, Dent, Derham, Efird, Ellerbe, Gamble, Gary, J. P. Glenn, Gooding, Graham, Harrison, Haynsworth, Hemphill, Wm. Henderson, Henry, Houser, J. W. Kennedy, Klugh, McCalla, McCown, McDermotte, McMahan, McMakin, McWhite, Meares, Morrison, Murray, Nash, Ragsdale, I. R. Reed, Rosborough, Shuler, Sligh, Smalls, A. J. Smith, Stokes, Talbert, Taylor, Timmerman, Wharton, and A. H. White.—49.

Those who voted in the negative are:

Nays—Hon. John Gary Evans, President, and Messrs. Atkinson, Austin, Barry, Barton, Bates, Bowen, Bowman, Breazeale, J. S. Brice, Bryan, Buist, Burn, Cantey, Carver, Clayton, Connor, Dennis, Douglass, Doyle, Dudley, Estridge, W. D. Evans, Field, Fitch, Floyd, Fraser, Gage, J. L. Glenn, Gray, Gunter, Hamel, Harris, D. S. Henderson, Hutson, T. E. Johnson, George Johnstone, Ira B. Jones, Keitt, Lowman, McCaslan, McGowan, McKagen, Mitchell, J. D. Montgomery, W. J. Montgomery, Moore, Mower, Nathans, Oliver,

Otts, Patterson, Patton, Peake, Prince, Rowland, Russell, Singletary, Sloan, R. F. Smith, W. C. Smith, Stribling, Sullivan, B. R. Tillman, G. D. Tillman, Von Kolnitz, Waters, Watson, Wells, Whipper, Wiggins, Stanyarne Wilson, W. B. Wilson, Winkler, and Woodward.—75.

PAIRS,

Mr. LEE stated that he was paired with Mr. Stackhouse, otherwise he would vote "no."

Mr. GARRIS stated that he was paired with Mr. Parler, otherwise he would vote "no."

Mr. BURN made the following address and asked that it be spread upon the Journal, which was agreed to:

MR. PRESIDENT AND GENTLEMEN OF THE CONVENTION: Whatever wrong has been done me as an individnal or as a representative of the proud and noble people of Darlington, and I cannot disguise the fact that a wrong has been done, yet I shall not allow my feelings to warp my judgment or do anything to obstruct the business or detract from the dignity and honor of this Convention. I know the refusal to allow me ten minutes of time on the homestead measnre was done nnder a misapprehension of the facts. It was in response to my nrgent appeal that this Convention enjoyed the benefit of the splendid legal argnment delivered by His Excellency Governor John Gary Evans, which did credit to his head and heart. After Governor Evans had had his time extended to any extent he desired, he generously shortened his speech so as to give me ten minutes that he would otherwise have consumed. I would not then have asked to be allowed to speak, but for the fact that gentlemen of this Convention living in various parts of this State and some citizens of Columbia had requested and nrged me to recite as my contribution to the argument for the homes of the people that beautiful poem, the most beautiful in the English language, that will live as a monument to the patrioism of the Southern soldiers as long as the eternal hills of Virginia shall endure. A sentiment, it is true, but none the less an argument and a history written in the blood and murmured in the dying agonies of our "unknown and unrecorded dead," appealing to us for their wives, their children and their homes: "All quiet along the Potomac, they say."

HENRY C. BURN.

Mr. STANYARNE WILSON moved that all proposed amendments to report of Judicial Department Committee be printed in the Journal; which was agreed to.

PROPOSED AMENDMENTS TO No. 42, REPORT OF THE COMMITTEE ON JUDICIAL DEPARTMENT.

By Mr. D. S. HENDERSON—

Amend Section 22 by adding the following after the words "by jury" on line 2: "In the Courts of General Sessions there shall be a grand jury and

such petit or trial juries as the General Assembly shall direct. The grand jury shall consist of eighteen members, twelve of whom must agree on a matter before it can be submitted to the Court. Each petit or trial jury in the General Sessions shall consist of twelve men, all of whom must agree to a verdict or it shall not be binding.

"In the Courts of Common Pleas the juries shall each consist of twelve men, and a verdict shall be good if agreed to by nine members thereof.

"The term of the grand juries shall be for one year, and the General Assembly shall provide that at least one-third of the members of the outgoing grand jury shall be members of the incoming grand jury.

"Each juror must be a voter qualified under the provisions of this Constitution, between the ages of 21 and 65 years, and men of good moral character."

By Mr. PATTON—

Provided, That in cases wherein by the provisions of Section 12 of this Article the decision of a bench of all the Judges is necessary, the requirements of this Section may be waived by the Court.

By Mr. D. S. HENDERSON—

Amend Section 10, line 3, by inserting between "years" and "and" the following: "has not been a licensed attorney at law for at least five years."

By Mr. D. S. HENDERSON—

Strike out all of Section 12, down to and including "question," on line 7, and insert the following: "In all cases decided by the Supreme Court, if the four Judges divide in opinion, then the judgment below shall be affirmed; but whenever, upon the hearing of any cause or question before the Supreme Court, it shall appear to the Justices of the same that there is a question of constitutional law, or of conflict between the Constitution and laws of this State and of the United States."

By Mr. BATES—

Amend Section 12 by striking out all after "question" on the 7th line down to and including the word "conclusion" on the 11th line and insert in lieu thereof the words "the decision of the Circuit Judge who heard the case shall stand."

By Mr. RAGSDALE—

Strike out on lines 3 and 4 of Section 2 the words "by a joint *viva voce* vote of the General Assembly for the term of eight years" and insert in lieu thereof the words "by the qualified electors of the State for the term of six years."

By Mr. McGOWAN—

Section 2, line 2, strike out the following: "all of whom shall be present to constitute the Court" and insert in lieu thereof the following, viz.:

"any three of whom shall constitute a quorum for the transaction of business, but the concurrence of three of the Justices shall still be necessary for a decision. The Chief Justice shall preside, and in his absence the senior Associate Justice."

By Mr. LEE—

Amend Section 12 by striking out all thereof after the word "decision," on line 2, and inserting in lieu thereof the following: "but whenever the said Court is equally divided upon any question, the judgment or order appealed from shall stand affirmed: *Provided, however,* That the same shall not be binding authority upon any of the Courts of the State, except in the particular case thus determined."

By Mr. McGOWAN—

The following is a substitute for Section 17: "It shall be the duty of the Justices of the Supreme Court to file their decisions within sixty days from the last day of the Court at which the cases were heard; and the duty of the Judges of the Circuit Courts to file their decisions within sixty days from the rising of the last Court of the Circuit then being held."

By Mr. McGOWAN—

Amend Section 10, line 4, by inserting after the word "State" the following, viz.: "and practicing attorney at law."

By Mr. McGOWAN—

Amend Section 6 by adding thereto the following, viz.: "The General Assembly shall provide by law for the temporary appointment of men learned in the law to hold either special or regular terms of the Circuit Courts whenever there may be necessity for such appointment."

By Mr. McGOWAN—

Amend Section 4, line 4, by inserting after the word "chancery" the following, viz.: "And in such appeals they *shall* review the findings of fact as well as the law."

Mr. MEARES presented the following and requested that it be published in the Journal, which was agreed to :

We, the members of the Constitutional Convention, desire to spread upon the Journal our solemn protest against the action taken by this body to suppress the freedom of debate and the expression of individual opinions, which are inviolable rights in themselves and essential to the proper making of the organic law to govern a free people.

The creation of a steering Committee, with the result of preventing due deliberation, and which has made it impossible for a considerable number of members to enter into the discussion of any measure, we declare to be novel in bodies of this character, inconsistent with its purposes, and an usurpation of the rights of the people as herein represented by their dele-

gates. We protest against limitation of discussion and suppression of freedom of speech, and consider that the rights of the people have been violated and their interest impaired thereby, and feeling our individual responsibility to our constituency avail ourselves of the last opportunity to protest against the suppression of our representative rights; and feeling that we must spare ourselves the mortification and humility of begging either the "Steering Committee" or the Convention since it has denied the Hon. H. C. Burns the right to be heard. We further say we attach no blame or odium to the said "Steering Committee," and would as willingly trust, rely or confide in them as in any three members that could be appointed from this body:

R. M. McCOWN,
W. M. FITCH,
J. W. FLOYD,
C. L. WINKLER,
R. R. STACKHOUSE,
W. C. McGOWAN,
R. L. HENRY,
M. P. HOWELL,
M. R. COOPER,
J. L. SHULER,
J. W. GRAY,
G. W. RAGSDALE,
J. D. MONTGOMERY,
W. J. WHIPPER,
R. A. MEARES,
R. D. LEE,
J. T. HAY,
JAS. H. SCARBOROUGH,
A. K. SMOKE,
GEO. F. VON KOLNITZ, Jr.,
H. H. MURRAY,
D. H. BEHRE,
W. F. CLAYTON,
A. H. DeHAY,
J. M. SULLIVAN,
J. N. PARROTT,
ALEX. J. SMITH,
ROBERT SMALLS.

Mr. COOPER introduced the following ordinance, which was read the first time and referred to the Committee on Finance and Taxation:

AN ORDINANCE TO EXTEND THE TIME FOR THE PAYMENT OF STATE AND COUNTY TAXES FOR THE FISCAL YEAR COMMENCING NOVEMBER 1, 1892, IN BEAUFORT COUNTY AND PART OF COLLETON COUNTY.

Be it ordained and resolved by the people of the State of South Carolina, now met in convention, and by the authority of the same:

That the time for the collection and payment of State and County taxes for the fiscal year commencing November 1st, 1892, in Beaufort County and so much of the County of Colleton as lies south of the Charleston and Savannah Railroad be, and the same is hereby, extended from the time appointed by the Act of the General Assembly approved December 24, 1894, until the Legislature which convenes in January, 1896, shall meet and make provision for the time of the collection and payment of the same.

LEAVE OF ABSENCE

Was granted to Mr. Scarborough until Tuesday next on account of important business.

On motion of Mr. STANYARNE WILSON, at 10.50 P. M., the Convention adjourned until 9.30 A. M. to-morrow.

FIFTY-FOURTH DAY.

Friday, November 22, 1895.

The Convention assembled at 9:30 o'clock A. M.

The Secretary called the roll.

The following delegates answered to their names :

Hon. John Gary Evans, President, and Messrs. Alexander, Anderson, Ashe, Atkinson, Austin, Barry, Barton, Bates, Behre, Bobo, Bowen, Bowman, Bradham, Breazeale, J. S. Brice, T. W. Brice, Bryan, Buist, Burn, Cantey, Carver, Clayton, Connor, Cooper, Cunningham, DeHay, Dennis, Dent, Derham, Douglass, Doyle, Dudley, Efird, Ellerbe, W. D. Evans, Field, Fitch, Floyd, Fraser, Gage, Gamble, Garris, Gary, Gilland, J. L. Glenn, J. P. Glenn, Gooding, Graham, Gray, Gunter, Hamel, Harris, Harrison, Hay, Haynsworth, Hemphill, D. S. Henderson, Wm. Henderson, Henry, Houser, Howell, Hutson, T. E. Johnson, George Johnstone, Ira B. Jones, Wilie Jones, Keitt, E. J. Kennedy, J. W. Kennedy, Klugh, Lee, Lowman, Lybrand, McCalla, McCaslan, McCown, McDermotte, McGowan, McKagen, McMahan, McMakin, McWhite, Matthews, Meares, Miller, Mitchell, J. D. Montgomery, W. J. Montgomery, Moore, Morrison, Mower, Murray, Nash, Nathans, Nicholson, Oliver, Otts, Parler, Parrott, Patterson, Patton, Peake, Perritte, Prince, Ragsdale, J. H. Read, I. R. Reed, Rosborough, Rowland, Russell, Shuler, Singletary, Sligh, Sloan, Smalls, A. J. Smith, R. F. Smith, W. C. Smith, Smoak, Stackhouse, Stokes, Stribling, Sullivan, Talbert, Taylor, B. R. Tillman, G. D. Tillman, Timmerman, Von Kolnitz, Waters, Watson, Wells, Wharton, Whipper, A. H. White, S. E. White, Wiggins, Stanyarne Wilson, W. B. Wilson, Winkler, and Woodward.

Present, 142.

The PRESIDENT took the chair.

A quorum being present, the deliberations were opened with prayer by the Rev. Mr. PARROTT.

The Journal of yesterday's proceedings was read and confirmed.

LEAVE OF ABSENCE

Was granted until Monday to Messrs. A. H. White, J. W. Kennedy, Houser, Bradham, Sligh, Bates, Timmerman and T. W. Brice.

REPORT OF STANDING COMMITTEE.

Mr. W. J. MONTGOMERY, for the Committee on Engrossed Resolutions and Ordinances, submitted the following report :

The Committee on Engrossed Resolutions and Ordinances, to whom was referred No. 62, "An ordinance relating to the validation of subscriptions to the capital stock of the Cape Fear and Cincinnati Railroad Company and the Wadesboro, Winnsboro and Camak Railroad Company," beg leave to report that the same has been correctly engrossed and revised.

Which was received as information.

Mr. W. D. EVANS, for Committee on Finance and Taxation, submitted the following unfavorable report, which was considered immediately, adopted and the ordinance rejected :

The Committee on Finance and Taxation beg leave to report that they have carefully considered an ordinance to extend the time for the payment of State and County taxes for the fiscal year commencing 1st November, 1892, in Beaufort County and part of Colleton County, and recommend that the ordinance be not passed, for the reason that the Governor and Comptroller General have the power to grant the extension asked for.

Respectfully submitted,

W. D. EVANS,

Chairman Committee on Finance and Taxation.

Mr. HEMPHILL presented the following account of Charles A. Calvo, Jr., for printing, which was read the first time and referred to the Committee on Contingent Accounts and Expenses :

COLUMBIA, S. C., November 22, 1895.

THE STATE OF SOUTH CAROLINA,

TO CHARLES A. CALVO, JR., DR.

1895.				
Nov. 22.	To ptg 200 copies Convention Journal, Nov. 14 to 21st inclusive—			
	64¾ L. P. pp. @ $1.07	$69 28		
	21¼ Brev. pp.=30 L. P	32 10—	$103 38	
	To ptg 200 Convention Calendars, Nov. 14 to 21 inclusive—			
	28 L. P. pp. @ $1.07		29 96	
	To ptg 200 copies Bill matter, 22 pp. @ $1.87.		41 14	
	To ptg and bind. Receipt Book for Clerk		2 50	
	To ptg 500 copies Permanent Journal—			
	52½ L. P. pp. @ $1.00	$52 50		
	14¾ Brev. pp.=21 L. P. pp. @ $1.00	21 00—	73 50	
				$248 48

Personally appears Charles A. Calvo, Jr., who, being duly sworn, says that the above account is just and true, and that no part thereof has been paid by discount or otherwise. CHARLES A. CALVO, JR.

Sworn to before me November 22, 1895.

G. M. WALKER, [L. S.]

Notary Public, S. C.

UNFINISHED BUSINESS.

No. 42, report of Committee on Judicial Department.

Section 2. Mr. McGOWAN offered his amendment printed in the Journal of yesterday, page 22.

Mr. McGOWAN spoke in support of his amendment.

Debate continued by Mr. Stanyarne Wilson.

The question being put, the Convention agreed to the proposed amendment.

Mr. RAGSDALE moved to amend as follows. (Printed in the Journal of yesterday, page 22).

Mr. RAGSDALE amended his proposed amendment by striking out the word "six" on the last line and inserting the word "eight."

Mr. RAGSDALE spoke in support of his amendment.

Debate continued by Messrs. G. D. Tillman, B. R. Tillman, W. D. Evans, Parrott, Talbert, D. S. Henderson, Gage, Timmerman, W. C. Smith, Burn, Efird, Patton, and George Johnstone.

The question being upon the adoption of Mr. Ragsdale's amendment: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 66; nays, 69.

Those who voted in the affirmative are:

Yeas—Hon. John Gary Evans, President, and Messrs. Alexander, Anderson, Ashe, Austin, Barry, Barton, Bowman, Breazeale, T. W. Brice, Buist, Burn, Carver, Connor, Cooper, Cunningham, DeHay, Dennis, Dent, Floyd, Gage, Gamble, Garris, J. P. Glenn, Gooding, Graham, Gray, Hamel, Harris, Harrison, Hay, William Henderson, Henry, Houser, Ira B. Jones, Keitt, Lowman, McCown, McMakin, McWhite, Meares, Miller, Morrison, Murray, Nash, Otts, Parrott, Ragsdale, I. R. Reed, Rosborough, Rowland, Russell, Singletary, Smalls, A. J. Smith, W. C. Smith, Stokes, Sullivan, Talbert, Taylor, B. R. Tillman, Waters, Watson, Wharton, Whipper, and Woodward.—66.

Those who voted in the negative are:

Nays—Messrs. Atkinson, Barker, Bates, Behre, Bobo, Bowen, Bradham, J. S. Brice, Bryan, Cantey, Clayton, Douglass, Doyle,

Dudley, Efird, Ellerbe, W. D. Evans, Field, Fitch, Fraser, Gary, Gilland, J. L. Glenn, Gunter, Haynsworth, D. S. Henderson, Howell, T. E. Johnson, George Johnstone, Wilie Jones, E. J. Kennedy, J. W. Kennedy, Klugh, Lee, Lybrand, McCalla, McGowan, McKagen, McMahan, Mitchell, J. D. Montgomery, W. J. Montgomery, Moore, Mower, Nathans, Nicholson, Oliver, Parler, Patterson, Patton, Peake, Prince, J. H. Read, Shuler, Sloan, R. F. Smith, Smoak, Stackhouse, Stribling, G. D. Tillman, Timmerman, Von Kolnitz, Wells, A. H. White, S. E. White, Wiggins, Stanyarne Wilson, W. B. Wilson, and Winkler.—69.

PAIRS.

Mr. McDERMOTTE stated that he was paired with Mr. Hemphill, otherwise he would vote "aye."

Mr. McCASLAN requested that the following be spread upon the Journal: "Not wishing to appear as dodging an issue, if I had been present I would have voted "no."

Mr. GEORGE JOHNSTONE moved to reconsider the vote whereby the amendment was rejected, and to lay that motion on the table; which was agreed to.

Mr. RAGSDALE moved to amend as follows: Line 3, strike out the word "eight," and insert in lieu thereof the word "four."

Mr. RAGSDALE spoke in support of his amendment. Debate continued by Mr. Stanyarne Wilson.

The question being put: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 53; nays, 70.

Those who voted in the affirmative are:

Yeas—Messrs. Anderson, Atkinson, Austin, Barry, Bobo, Carver, Connor, Cooper, Cunningham, Dennis, Field, Floyd, Gamble, Garris, J. P. Glenn, Gooding, Graham, Gray, Gunter, Harrison, Hay, Hemphill, D. S. Henderson, Wm. Henderson, Henry, Keitt, Lee, McCalla, McCown, McDermotte, McMahan, McMakin, McWhite, Meares, Miller, J. D. Montgomery, Murray, Nash, Parrott, Patterson, Ragsdale, I. R. Reed, Russell, Singletary, Smalls, A. J. Smith, W. C. Smith, Stokes, Talbert, Taylor, Wharton, W. B. Wilson, and Woodward.—53.

Those who voted in the negative are:

Nays—Hon. John Gary Evans, President, and Messrs. Barker, Barton, Bates, Bowen, Bowman, Bradham, Breazeale, J. S. Brice, T. W. Brice, Bryan, Buist, Cantey, Clayton, Dent, Douglass, Doyle,

Dudley, Efird, Fitch, Fraser, Gage, Gilland, J. L. Glenn, Hamel, Haynsworth, Houser, Howell, T. E. Johnson, George Johnstone, Ira B. Jones, Wilie Jones, E. J. Kennedy, J. W. Kennedy, Klugh, Lowman, Lybrand, McCaslan, McGowan, McKagen, Mitchell, W. J. Montgomery, Moore, Morrison, Mower, Nathans, Nicholson, Otts, Parler, Patton, Peake, Prince, J. H. Read Rowland, Shuler, Sloan, R. F. Smith, Smoak, Stribling, Sullivan, B. R. Tillman, G. D. Tillman, Von Kolnitz, Watson, Wells, A. H. White, S. E. White, Wiggins, Stanyarne Wilson, and Winkler.—70.

PAIRS.

Mr. DEHAY stated that he was paired with Mr. Timmerman, otherwise he would vote "aye."

Mr. STANYARNE WILSON moved to reconsider the vote whereby the Convention refused to adopt the proposed amendment, and to lay that motion on the table ; which was agreed to.

The Section as amended was adopted.

Section 3. Mr. STANYARNE WILSON moved to amend line 2 by striking off the letter "s" at the end of the words "Chief Justices ;" which was agreed to.

The Section as amended was adopted.

Section 4. Mr. McGOWAN moved to amend as follows: Insert on line 4, after the word "chancery," the following words: "and in such appeals they shall review the findings of facts as well as the law, except in chancery cases when the facts are settled by a jury and the verdict not set aside ;" which was agreed to.

The Section as amended was adopted.

Section 5. Mr. PATTON asked and obtained permission to withdraw his amendment printed in the Journal of yesterday, page 21, and offered the following as a substitute for Section 5 :

A term of the Supreme Court shall be held during each month of the year, excepting the months of July, August and September, at each of which holding the dockets of each of the respective Circuits shall be called for a hearing, and in each so heard a decision shall be rendered within thirty days from the hearing thereof: *Provided,* That in cases wherein by the provisions of Section 12 of this Article the decision of a bench of all the Judges is necessary the reargument shall be had at such time as the Supreme Court shall direct.

Mr. PATTON spoke in support of his amendment.

Debate continued by Messrs. Stanyarne Wilson, McWhite and Ragsdale.

Mr. STANYARNE WILSON moved to lay the substitute on the table.

The question being put, the substitute was rejected.

Mr. STANYARNE WILSON moved to reconsider the vote whereby the substitute was rejected, and to lay that motion on the table; which was agreed to.

The Section was adopted as reported by the Committee.

Section 6. Mr. McGOWAN moved to amend as follows: (Printed in the Journal of yesterday, page 22); which was agreed to.

The Section as amended was adopted.

Sections 7, 8 and 9 were adopted as reported.

Section 10. Mr. D. S. HENDERSON moved to amend as follows: (Printed in Journal of yesterday, page 21); which was agreed to.

Mr. McGOWAN asked and obtained permission to withdraw the amendment proposed by him and printed in the Journal of yesterday, page 22.

Mr. B. R. TILLMAN moved to amend as follows: Strike out the word "thirty" on line 3 and insert in lieu thereof the words "twenty-six;" which was agreed to.

The Section as amended was adopted.

Section 11. Mr. GILLAND moved to amend as follows: By adding after the word "appointment" on line 3 the following words: "and when a vacancy is filled by either appointment or election the incumbent shall hold only for the unexpired term of his predecessors;" which was agreed to.

The Section as amended was adopted.

Mr. D. S. HENDERSON moved to amend as follows: (Printed in the Journal of yesterday, pages 21 and 22.)

Mr. D. S. HENDERSON spoke in support of his proposed amendment.

Debate continued by Messrs. George Johnstone and Stribling.

At 2 P. M., the pending question being the proposed amendment of Mr. D. S. Henderson, the Convention receded from business until 4 P. M. this day.

RECESS.

The PRESIDENT resumed the chair at 4 P. M.

No. 42, report of the Committee on Judicial Department, the pending question being the proposed amendment of Mr. D. S. Henderson to Section 12.

Mr. HENDERSON asked and obtained permission to withdraw his proposed amendment printed in the Journal of yesterday, pages 21 and 22.

Section 12. Mr. D. S. HENDERSON moved the following as a substitute for Section 12 :

In all cases decided by the Supreme Court the concurrence of three of the Justices shall be necessary for a reversal of the judgment below, but if the four Justices equally divide in opinion the judgment below shall be affirmed, subject to the provisions hereinafter prescribed.

Whenever upon the hearing of any cause or question before the Supreme Court, in the exercise of its original or appellate jurisdiction, it shall appear to the Justices thereof, or any two of them, that there is involved a question of Constitutional law, or of conflict between the Constitution and laws of this State and of the United States, or between the duties and obligations of her citizens under the same, upon the determination of which the entire Court is not agreed; or whenever the Justices of said Court, or any two of them, desire it on any cause or question so before said Court, the Chief Justice, or in his absence the presiding Associate Justice, shall call to the assistance of the Supreme Court all of the Judges of the Circuit Court: *Provided, however,* That when the matter to be submitted is involved in an appeal from the Circuit Court, the Circuit Judge who tried the cause shall not sit. A majority of the Justices of the Supreme Court and Circuit Judges shall constitute a quorum.

The decision of the Court so constituted, or a majority of the Justices and Judges sitting, shall be final and conclusive.

In such cases the Chief Justice, or in his absence the presiding Associate Justice, shall preside.

Whenever the Justices of the Supreme Court and the Circuit Judges meet together for the purposes aforesaid, if the number thereof qualified to sit constitute an even number, then one of the Circuit Judges must retire; and the General Assembly shall prescribe a mode by which the retirement shall be regulated.

After debate by Messrs. D. S. Henderson, Haynsworth and Ragsdale, the further debate was adjourned until 8 P. M. this day.

LEAVE OF ABSENCE

Was granted until Monday to Mr. Stokes.

Section 13. Mr. RAGSDALE moved to amend as follows: On lines 2 and 3, strike out the words "by joint *viva voce* vote of the General Assembly," and insert the words "by the qualified electors of the State."

Mr. STANYARNE WILSON moved to lay the amendment on the table.

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows :

Yeas, 64 ; nays, 51.

Those who voted in the affirmative are :

Yeas—Messrs. Atkinson, Barker, Behre, Bobo, Bowen, Bowman, J. S. Brice, Buist, Bryan, Cantey, Clayton, Douglass, Doyle, Dudley, Efird, Ellerbe, W. D. Evans, Field, Fitch, Fraser, Gary, Gilland, J. L. Glenn, Gunter, Haynsworth, Hemphill, D. S. Henderson, Howell, T. E. Johnson, George Johnstone, Wilie Jones, E. J. Kennedy, Klugh, Lee, Lybrand, McCalla, McCaslan, McGowan, McKagen, McMahan, J. D. Montgomery, W. J. Montgomery, Moore, Nathans, Nicholson, Parler, Patterson, Peake, Prince, J. H. Read, Shuler, Sloan, R. F. Smith, W. C. Smith, Smoak, Stackhouse, Stribling, G. D. Tillman, Von Kolnitz, A. H. White, S. E. White, Wiggins, Stanyarne Wilson, W. B. Wilson, and Winkler.—64.

Those who voted in the negative are :

Nays—Hon. John Gary Evans, President, and Messrs. Alexander, Anderson, Ashe, Austin, Barry, Barton, Breazeale, Burn, Carver, Connor, Cooper, Cunningham, DeHay, Dennis, Gage, Gamble, Garris, J. P. Glenn, Gooding, Graham, Gray, Hamel, Harris, Harrison, Hay, Wm. Henderson, Henry, Ira B. Jones, Keitt, Lowman, McCown, McMakin, McWhite, Meares, Miller, Morrison, Murray, Otts, Ragsdale, I. R. Reed, Rosborough, Rowland, Russell, Singletary, Smalls, A. J. Smith, Talbert, Taylor, Watson, and Whipper.—51.

Mr. WHARTON stated that he was paired with Mr. Oliver, otherwise he would vote "no."

Mr. NASH stated that he was paired with Mr. Mitchell, otherwise he would vote "no."

Mr RAGSDALE moved to amend as follows : Line 3, strike out the word "eight" and insert the word "four."

Mr. RAGSDALE spoke in support of his amendment.

Debate continued by Messrs. Wilson, J. D. Montgomery and Burn.

The question being put : "Will the Convention agree thereto ?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows :

Yeas, 85 ; nays, 31.

Those who voted in the affirmative are :

Hon. John Gary Evans, President, and Messrs. Alexander, Anderson, Ashe, Atkinson, Austin, Barry, Behre, Bobo, Burn, Carver, Clayton, Connor, Cooper, Cunningham, DeHay, Dennis, Douglass, Dudley, Efird, Ellerbe, W. D. Evans, Field, Fraser, Gamble, Garris, Gary, J. L. Glenn, J. P. Glenn, Gooding, Graham, Gray, Gunter, Hamel, Harris, Harrison, Hay, Haynsworth, Hemphill, Wm. Hender-

son, Henry, Howell, Keitt, E. J. Kennedy, Lee, Lowman, Lybrand, McCalla, McCaslan, McCown, McDermotte, McKagen, McMahan, McMakin, McWhite, Meares, Miller, J. D. Montgomery, W. J. Montgomery, Moore, Morrison, Murray, Nash, Nathans, Otts, Parler, Patterson, Ragsdale, I. R. Reed, Rosborough, Russell, Singletary, Smalls, A. J. Smith, W. C. Smith, Smoak, Stackhouse, Talbert, Taylor, Wharton, Whipper, Wiggins, W. B. Wilson, Winkler, and Woodward.—85.

Those who voted in the negative are :

Nays—Messrs. Barker, Barton, Bowen, Bowman, Breazeale, J. S. Brice, Buist, Cantey, Doyle, Fitch, Gage, Gilland, D. S. Henderson, T. E. Johnson, George Johnstone, Ira B. Jones, Wilie Jones, Klugh, McGowan, Nicholson, Peake, J. H. Read, Rowland, Sloan, R. F. Smith, Stribling, G. D. Tillman, Von Kolnitz, A. H. White, S. E. White, and Stanyarne Wilson.—31.

Mr. GARRIS moved to amend as follows : On line 4 strike out the words "and at the time of his election he shall reside in and be an elector of a County."

The question being put : "Will the Convention agree thereto ?" it was decided in the negative.

The yeas and nays were requested, and are as follows :

Yeas, 26 ; nays, 87.

Those who voted in the affirmative are :

Yeas—Hon. John Gary Evans, President, and Messrs. Anderson, Behre, Buist, Cantey, Clayton, Connor, Cooper, Efird, W. D. Evans, Garris, Gary, Henry, T. E. Johnson, Lowman, Lybrand, McDermotte, McMahan, J. D. Montgomery, Patterson, I. R. Reed, A. J. Smith, Smoak, Talbert, Wharton, and Woodward.—26.

Those who voted in the negative are :

Nays—Messrs. Alexander, Ashe, Atkinson, Austin, Barker, Barry, Barton, Bobo, Bowen, Bowman, Breazeale, J. S. Brice, Burn, Carver, Cunningham, DeHay, Dennis, Douglass, Doyle, Dudley, Ellerbe, Field, Fitch, Fraser, Gage, Gamble, Gilland, J. L. Glenn, J. P. Glenn, Gooding, Graham, Gray, Gunter, Hamel, Harris, Harrison, Hay, Haynsworth, Hemphill, D. S. Henderson, William Henderson, Howell, George Johnstone, Ira B. Jones, Wilie Jones, Keitt, E. J. Kennedy, Klugh, Lee, McCalla, McCaslan, McCown, McGowan, McKagen, McMakin, McWhite, Meares, Miller, W. J. Montgomery, Moore, Morrison, Murray, Nash, Nathans, Nicholson, Otts, Parler, Ragsdale, J. H. Read, Rosborough, Rowland, Singletary, Sloan, Smalls, R. F. Smith, W. C. Smith, Stackhouse, Stribling, Taylor,

G. D. Tillman, Von Kolnitz, Whipper, A. H. White, S. E. White, Wiggins, Stanyarne Wilson, and Winkler.—87.

Mr. W. B. WILSON stated that he was paired with Mr. B. R. Tillman, otherwise he would vote "no."

Mr. STANYARNE WILSON moved to recur to Section 12.

The substitute of Mr. D. S. Henderson was adopted as Section 12.

Sections 14 and 15 adopted as reported by the Committee.

Section 16. Mr. FITCH moved to amend as follows : Strike out on line 2 the word "twice," and insert in lieu thereof the word "three."

Mr. STANYARNE WILSON moved to lay the amendment on the table ; which was agreed to.

Mr. BARKER moved to reconsider the vote whereby Section 15 was adopted ; which was agreed to.

Mr. BARKER moved to add to line 6, Section 15, the words "except from such inferior Courts from which the General Assembly shall provide an appeal directly to the Supreme Court;" which was agreed to.

Mr. STANYARNE WILSON moved to amend line 5 by inserting after the last word "all" the word "civil;" which was agreed to.

The Section as amended was adopted.

Section 17. Mr. McGOWAN offered the substitute printed in the Journal of yesterday, page 22.

The substitute was adopted as Section 17.

Section 18. Mr. MEARES moved to amend as follows: By adding to the end of the first sentence, after the word "cases," on line 2, the words "except those the exclusive jurisdiction whereof may be given to inferior Courts."

Mr. MEARES spoke in support of his amendment.

Debate continued by Messrs. Clayton and Stanyarne Wilson.

Mr. MEARES asked and obtained permission to withdraw his proposed amendment, and introduced the following in lieu thereof: Strike out all down to and including the first word "cases," on line 2, and insert in lieu thereof the following: "The Courts of General Sessions shall have exclusive jurisdiction over all criminal cases which shall not be otherwise provided for by law."

On motion of Mr. STANYARNE WILSON, the amendment was laid on the table.

Mr. BOWMAN moved to amend line 4 by striking out the words "three times" and inserting in lieu thereof the word "twice;" which was agreed to.

The Section as amended was adopted.

Section 19, on motion of Mr. GEORGE JOHNSTONE, was passed over for the present.

Section 20. Mr. I. R. REED moved to amend as follows:

Amend Section 20, line 1, by striking out the word "appointed" and inserting the following: "elected at each general election." Also, striking out on line 2 the words "by and with the advice and consent of the Senate."

On motion of Mr. STANYARNE WILSON, the proposed amendment was laid on the table.

Mr. MILLER moved to amend as follows: Line 4 by adding after the word "qualified" the words "each Magistrate shall receive a salary to be fixed by the General Assembly in lieu of all fees in criminal cases."

Mr. STANYARNE WILSON moved to lay the amendment on the table.

The question being put, the Convention refused to lay the amendment on the table.

The amendment of Mr. McMillan was then adopted.

REPORTS OF STANDING COMMITTEES.

Mr. STANYARNE WILSON, for the Committee on Judicial Department, submitted the following report, which was read the first time and ordered for consideration to-morrow:

The Committee on Judicial Department respectfully report the accompanying Article, to be known as "Schedule," and recommend its adoption.

All of which is respectfully submitted.

STANYARNE WILSON,
Chairman.

SCHEDULE.

That no inconvenience may arise from the changes in the Constitution of the State, and in order to carry this Constitution into complete operation, it is hereby ordained and declared:

First. That all laws in force in this State at the time of the adoption of this Constitution, not inconsistent therewith, shall remain in full force until altered or repealed by the General Assembly.

Second. All writs, actions, causes of action, proceedings, prosecutions and rights of individuals, of bodies corporate and of the State, when not inconsistent with this Constitution, shall continue as valid.

Third. The provisions of all laws which are inconsistent with this Constitution shall cease upon its adoption, except that all laws which are inconsistent with such provisions of this Constitution as require legislation to enforce them shall remain in force until such legislation is had.

Fourth. All fines, penalties, forfeitures and escheats accruing to the State of South Carolina under the Constitution and laws heretofore in force shall accrue to the use of the State of South Carolina under this Constitution, except as herein otherwise provided.

Fifth. All recognizances, obligations and all other instruments entered into or executed before the adoption of this Constitution to the State, or to any County, township, city or town therein, and all fines, taxes, penalties and forfeitures due or owing to this State or to any County, township, city or town therein, and all writs, prosecutions, actions and proceedings, except as otherwise herein provided, shall continue and remain unaffected by the adoption of this Constitution. All indictments which shall have been found, or may hereafter be found, for any crime or offense committed before the adoption of this Constitution may be prosecuted as if no change had been made, except as otherwise provided herein.

Sixth. All officers—State, executive, legislative, judicial, circuit, district, County, township and municipal—who may be in office at the adoption of this Constitution, or who may be elected before the election of their successors, as herein provided, shall hold their respective offices until their terms have expired and until their successors are elected or appointed and qualified, as provided in this Constitution, unless sooner removed as may be provided by law, and shall receive the compensation now fixed by the statute laws in force at the adoption of this Constitution.

Seventh. This Constitution, adopted by the people of South Carolina in convention assembled, shall be in force and effect from and after the day of , A. D. eighteen hundred and ninety-five.

Mr. STANYARNE WILSON, for the Committee on Judicial Department, submitted the following report, which was read the first time and ordered for consideration to-morrow :

The Committee on Judicial Department, to whom was referred an ordinance to provide for the transfer of the State Government from the old Constitution to the new Constitution adopted in this Convention, respectfully report that they have carefully considered the same, and recommend that the ordinance be not adopted.

All of which is respectfully submitted,

STANYARNE WILSON, Chairman.

At 6 P. M., the hour fixed for taking recess, the Convention receded from business until 7:30 P. M. this day.

RECESS.

The President resumed the chair at 7:30 P. M.

UNFINISHED BUSINESS.

No. 42, report of the Committee on Judicial Department.

Section 20, adopted as amended.

Section 21. Mr. GEORGE JOHNSTONE moved to amend line 8 by striking out the word "may" and inserting in lieu thereof the word "shall;" which was agreed to.

The Section as amended was adopted.

Section 22. Mr. D. S. HENDERSON moved to amend as follows. (Printed in the Journal of yesterday, page 21.)

Mr. HENDERSON spoke in support of his proposed amendment.

Debate continued by Messrs. Stanyarne Wilson and George Johnstone.

Mr. STANYARNE WILSON moved the following substitute for the proposed amendment:

"The grand jury of each County shall consist of eighteen members, twelve of whom must agree in a matter before it can be submitted to the Court. The petit jury of the Circuit Courts shall consist of twelve men, all of whom must agree to a verdict in order to render the same. Each juror must be a qualified voter under the provisions of this Constitution, between the ages of 21 and 65 years, and men of good moral character."

Which was agreed to.

Mr. BARKER moved to amend as follows: Insert on line 2, between the words "all" and "Courts," the word "municipal," and after the word "Courts" insert the words "and Courts;" which was agreed to.

The Section as amended was adopted.

Section 23 was passed over.

Sections 24 and 25 were adopted as reported by the Committee.

Section 26. Mr. McGOWAN moved to amend as follows: Line 1 after the word "but" add the following: "may state the testimony in civil cases and"

After debate by Messrs. McGowan, Miller, W. D. Evans, George Johnstone, Haynsworth and Stanyarne Wilson,

Mr. STANYARNE WILSON moved to lay the amendment on the table; which was agreed to.

The Section was adopted as reported by the Committee.

Mr. STANYARNE WILSON moved to reconsider the vote whereby the Convention adopted Section 25; which was agreed to.

Mr. STANYARNE WILSON moved to strike out on line 3 the word "temporary" and insert in lieu thereof the word "interlocutory;" which was agreed to.

Also, by adding to the end of the Section the words, "the Judges of the Circuit Court shall have such powers at chambers as the General Assembly may provide;" which was agreed to.

The Section as amended was adopted.

Mr. RAGSDALE moved to reconsider the vote whereby Section 23 was adopted ; which was agreed to.

Mr. RAGSDALE moved to amend as follows :

Add to Section 23 after line 5 the following :

"*Provided,* That in Counties where Magistrates or Trial Justices have separate and exclusive territorial jurisdiction criminal causes shall be tried in the Magistrate's district where the offense was committed, subject to such provision for change of venue from one Magistrate's district to another in the same County as may be provided by the General Assembly."

Which was agreed to.

Mr. STANYARNE WILSON moved to amend the amendment by striking out the words "or Trial Justices ;" which was agreed to.

Mr MILLER moved to amend same Section, line 2, by striking out the word "some" and inserting the letter "a" in lieu thereof ; which was agreed to.

The Section as amended was adopted.

Mr. BRYAN moved to reconsider the vote whereby Section 25 was adopted ; which was agreed to.

Section 25. Mr. BRYAN moved to amend as follows : "Strike out lines 3 and 4 and insert the words "*mandamus, quo warranto, certiorari,* prohibition and interlocutory writs or orders of injunction as when in open Court;" which was agreed to.

The Section as amended was adopted.

Sections 27 and 28 were adopted as reported by Committee.

Section 29 was passed over for the present.

Section 30. Mr. BARKER moved to amend by inserting after the word "and" on line 1 the letter "a ;" which was agreed to.

The Section as amended was adopted.

Sections 31 and 32 were adopted as reported by the Committee.

Section 33. Mr. FITCH moved to amend as follows : by striking out on line 1 the words "and all Courts inferior thereto."

After debate by Mr. Fitch,

The question being put : "Will the Convention agree thereto ?" it was decided in the negative.

The yeas and nays were requested, and are as follows :

Yeas, 12 ; nays, 104.

Those who voted in the affirmative are :

Yeas—Messrs. Anderson, Bowen, Burn, Fitch, Howell, E. J. Kennedy, Miller, I. R. Reed, Smalls, R. F. Smith, Waters, and Whipper. —12.

Those who voted in the negative are :

Nays—Hon. John Gary Evans, President, and Messrs. Alexander, Ashe, Atkinson, Austin, Barker, Barton, Bobo, Bowman, Breazeale, J. S. Brice, Bryan, Buist, Cantey, Carver, Clayton, Connor, Cooper, Cunningham, DeHay, Dennis, Dent, Douglass, Doyle, Dudley, Efird, W. D. Evans, Field, Floyd, Fraser, Gage, Gamble, Garris, Gary, Gilland, J. L. Glenn, J. P. Glenn, Gooding, Graham, Gunter, Hamel, Harris, Harrison, Hay, Haynsworth, Hemphill, D. S. Henderson, Wm. Henderson, Henry, T. E. Johnson, George Johnstone, Ira B. Jones, Wilie Jones, Keitt, Klugh, Lee, Lowman, McCalla, McCaslan, McCown, McDermotte, McGowan, McMahan, McMakin, McWhite, Meares, J. D. Montgomery, W. J. Montgomery, Moore, Morrison, Mower, Murray, Nash, Nathans, Nicholson, Otts, Parler, Patterson, Peake, Prince, Ragsdale, Rosborough, Rowland, Russell, Sloan, A. J. Smith, W. C. Smith, Smoak, Stribling, Sullivan, Talbert, Taylor, B. R. Tillman, G. D. Tillman, Von Kolnitz, Watson, Wharton, A. H. White, S. E. White, Wiggins, Stanyarne Wilson, W. B. Wilson, Winkler, and Woodward.—104.

Mr. BARKER moved to amend as follows : Insert after the word "thereto" on line 1 the words "and municipal Courts;" which was agreed to.

The Section as amended was adopted.

Section 34. Mr. B. R. TILLMAN offered the following to be known as Section 34 :

"The Courts shall give to divorces from the bond of matrimony heretofore or hereafter granted by the Courts of other States of the Union the same force and effect in this State as in the States where granted: *Provided*, That the marriage ceremony was actually performed outside of the limits of this State, and there was one of the contracting parties who was neither a native of this State, nor, at the time of the ceremony, a citizen thereof."

Which was agreed to and adopted as Section 34.

Section 34 of the printed Bill was changed to Section 35 and adopted as reported by the Committee.

Mr. STANYARNE WILSON moved to recur to Section 19; which was agreed to.

Section 19. Mr. GEORGE JOHNSTONE moved the following substitute :

"A Court of Probate shall be established in each County, with jurisdiction in all matters testamentary and of administration, in business appertaining to minors and the allotment of dower, in cases of idiocy and lunacy and persons *non compos mentis*. The Judge of said Court shall be elected by the qualified electors of the respective Counties for the term of four years."

Mr. GEORGE JOHNSTONE spoke in support of his substitute.

Debate continued by Mr. Stanyarne Wilson.

Mr. CLAYTON offered the following amendment: Add to the end of the Section "and the Legislature shall confer such civil and criminal jurisdiction as it may think proper."

After debate by Messrs. Clayton and Bowman,

Mr. GEORGE JOHNSTONE moved that a vote be had upon the Section at 10:30 P. M.; which was agreed to.

Debate continued by Messrs. McWhite, Talbert, Breazeale, Bowman, D. S. Henderson, Prince, J. D. Montgomery, B. R. Tillman, Stanyarne Wilson, G. D. Tillman and George Johnstone.

Mr. GEORGE JOHNSTONE moved to lay the amendment proposed by Mr. Clayton on the table; which was agreed to.

The question recurring upon the amendment of Mr. George Johnstone,

Mr. D. S. HENDERSON moved to lay it on the table.

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows:

Yeas, 58; nays, 52.

Those who voted in the affirmative are:

Yeas—Hon. John Gary Evans, President, and Messrs. Barton, Behre, Bowman, Breazeale, Buist, Cooper, Dennis, Douglass, Doyle, Dudley, Efird, Ellerbe, Field, Floyd, Gamble, Garris, Gary, Gray, Hamel, Harris, Hemphill, D. S. Henderson, Wm. Henderson, Howell, Ira B. Jones, Wilie Jones, Keitt, Klugh, Lowman, McMahan, Meares, J. D. Montgomery, W. J. Montgomery, Moore, Mower, Murray, Nash, Otts, Parler, Patterson, Peake, Prince, I. R. Reed, Russell, Sloan, Smalls, Smoak, Stackhouse, Stribling, Sullivan, G. D. Tillman, Whipper, Wigg, Wiggins, Stanyarne Wilson, W. B. Wilson, Winkler, and Woodward.—58.

Those who voted in the negative are:

Nays—Messrs. Ashe, Atkinson, Austin, Barker, Barry, Bellinger, Bobo, Bowen, Bryan, Burn, Clayton, Connor, DeHay, Dent, Derham, W. D. Evans, Fitch, Fraser, Gage, J. L. Glenn, J. P. Glenn, Gooding, Graham, Harrison, Hay, Haynsworth, Henry, Hutson, T. E. Johnson, George Johnstone, Lee, McCalla, McCaslan, McCown, McDermotte, McKagen, McMakin, McWhite, Nathans, Ragsdale, Rosborough, A. J. Smith, R. F. Smith, W. C. Smith, Talbert, Taylor, B. R. Tillman, Von Kolnitz, Waters, Wharton, A. H. White, and S. E. White.—52.

PAIRS.

Mr. MORRISON stated that he was paired with Mr. Timmerman, otherwise he would vote "no."

Mr. CUNNINGHAM stated that he was paired with Mr. Nicholson, otherwise he would vote "no."

The Section as amended was adopted.

Mr. STANYARNE WILSON moved to reconsider the vote whereby Section 19 was adopted, and to lay that motion on the table; which was agreed to.

Mr. STANYARNE WILSON moved to recur to Section 1; which was agreed to.

Section 1. Mr. STANYARNE WILSON moved to amend by adding to the end of the Section the words "but none of such Courts shall ever be invested with jurisdiction to try cases of murder, manslaughter, rape, or attempt to rape, arson, common law burglary, bribery or perjury;" which was agreed to.

Mr. BARKER moved to amend by inserting after the word "municipal" on line 4 the word "Courts;" which was agreed to.

Also, to strike out on line 4 the word "other;" which was agreed to.

Mr. McGOWAN moved to amend line 4 by adding after the word "Courts" the following: "in any or all of the Counties of this State, and;" which was agreed to.

Mr. B. R. TILLMAN moved to amend as follows: By adding "*Provided,* Before a County Court shall be established in any County it must be submitted to the qualified electors, and a majority of them must vote for its establishment."

After debate by Messrs. B. R. Tillman, Derham, Meares, George Johnstone and Stanyarne Wilson,

Mr. STANYARNE WILSON moved to lay the amendment on the table.

The question being put, the motion was rejected.

The amendment was then adopted.

The Section as amended was adopted.

Mr. STANYARNE WILSON moved to reconsider the vote whereby the Section was adopted, and to lay that motion on the table; which was agreed to.

Section 29 was adopted as reported by the Committee.

Mr. STANYARNE WILSON moved to reconsider the vote whereby the Convention adopted Section 29, and to lay that motion on the table; which was agreed to.

The Article as amended was read the second time, adopted, and ordered engrossed for a third reading to-morrow.

REPORTS OF STANDING COMMITTEE.

Mr. FIELD, for the Committee on Contingent Accounts and Expenses, submitted the following report, which was considered immediately and agreed to :

The Committee on Contingent Accounts and Expenses, to whom was referred the bill of Columbia Electric Street Railway Light and Power Company for the sum of $700 for lighting the State House during the session of the Constitutional Convention from 10th of September to the 1st of December, 1895, respectively report that they have carefully examined the same and recommend that it be paid.

W. T. FIELD, Chairman.

Also the following, which was considered immediately and agreed to:

The Committee on Contingent Accounts and Expenses, to whom was referred the bill of Charles A. Calvo, Jr., for printing, amounting to $248.48, respectfully report that they have carefully examined the same, and recommend that it be paid.

W. T. FIELD, Chairman.

Also the following, which was considered immediately and agreed to :

The Committee on Contingent Accounts and Expenses, to whom was referred the account of Mr. W. J. Duffie for two gross of caligraphic pencils, $3.00, $6.00, and to one box paper fasteners, $1.00—$7.00, respectfully respectfully report that they have carefully examined the same, and recommend the same be paid.

W. T. FIELD, Chairman.

Mr. W. D. EVANS introduced the following resolution :

Resolution in Regard to Paying the State Printer.

Resolved, That the Comptroller General be authorized and directed to audit the accounts of the State Printer for work done for the Convention before or after its adjournment *sine die,* and to draw his warrant upon the State Treasurer therefor upon production of the proper vouchers.

Ordered for consideration to-morrow.

GENERAL ORDERS.

No. 63, report of the Committee on Eminent Domain (Mr. Russell for Committee) ;

No. 65, an ordinance to provide for the payment of the per diem and mileage of the delegates, officers and employees of the Conven-

tion and other necessary expenses, and to require the General Assembly to make additional appropriations to pay the same (Mr. W. D. Evans for Committee) ;

No. 66, an ordinance to provide for the payment of the interest on the public debt of the State of South Carolina, to become due on the 1st day of January, A. D. 1896, and to require the General Assembly to make appropriation for that purpose (Mr. W. D. Evans, for Committee),

Were each read the second time and ordered engrossed for a third reading to-morrow.

Mr. GARRIS introduced the following ordinance, which was read the first time and ordered for consideration to-morrow, to be printed in the Journal only :

Be it ordained by the people of South Carolina, in convention assembled, That the same per diem and mileage be given each to the widows of Dr. J. O. Byrd, deceased, and Robert H. Hodges, deceased, as would have been due the said Dr. J. O. Byrd and Robert H. Hodges if they had survived and attended the Convention.

LEAVE OF ABSENCE

Was granted to Mr. Cantey until Monday next on account of important business ; to Mr. Wells until Monday next.

On motion of Mr. IRA B. JONES, at 11:15 P. M., the Convention adjourned until 9:30 A. M. to-morrow.

FIFTY-FIFTH DAY.

Saturday, November 23, 1895.

The Convention assembled at 9:30 o'clock A. M.

The Secretary called the roll.

The following delegates answered to their names :

Hon. John Gary Evans, President, and Messrs. Alexander, Anderson, Ashe, Atkinson, Austin, Barker, Barry, Barton, Behre, Bel-

linger, Bowen, Bowman, Bradham, Breazeale, J. S. Brice, Bryan, Buist, Burn, Carver, Clayton, Connor, Cooper, Cunningham, DeHay, Dennis, Dent, Derham, Douglass, Doyle, Dudley, Efird, Ellerbe, W. D. Evans, Farrow, Field, Fitch, Floyd, Fraser, Gage, Gamble, Garris, Gary, Gilland, J. L. Glenn, J. P. Glenn, Gooding, Graham, Gray, Gunter, Hamel, Harris, Harrison, Hay, Haynsworth, Hemphill, D. S. Henderson, Wm. Henderson, Henry, Howell, Hutson, Irby, T. E Johnson, George Johnstone, Ira B. Jones, Wilie Jones, Keitt, E. J. Kennedy, Klugh, Lee, Lowman, Lybrand, McCaslan, McCown, McDermotte, McGowan, McKagen, McMahan, McMakin, McWhite, Meares, Miller, J. D. Montgomery, W. J. Montgomery, Moore, Morrison, Mower, Murray, Nash, Nathans, Nicholson, Oliver, Otts, Parler, Patterson, Patton, Peake, Prince, Ragsdale, J. H. Read, I. R. Reed, Rosborough, Rowland, Russell, Singletary, Sloan, Smalls, A. J. Smith, Jeremiah Smith, R. F. Smith, Taylor, W. C. Smith, Smoak, Stackhouse, Stokes, Stribling, Sullivan, Talbert, B. R. Tillman, G. D. Tillman, Timmerman, Von Kolnitz, Waters, Watson, Wells, Wharton, Whipper, A. H. White, S. E. White, Wiggins, Stanyarne Wilson, W. B. Wilson, Winkler, and Woodward.

Present, 134 delegates.

Vice-President IRA B. JONES took the chair.

A quorum being present, the deliberations were opened with prayer by the Rev. Mr. PARROTT.

The Journal of yesterday's proceedings was read and confirmed.

LEAVES OF ABSENCE.

Mr. Haynsworth for next week; Mr. Bobo indefinite leave; Mr. Parrott until next Tuesday.

UNFINISHED BUSINESS.

No. 34, proposed Article I of the Constitution, being the Declaration of Rights.

Section 12 was adopted as reported by the Committee.

Section 13. Mr. MEARES moved to amend as follows: Strike out all after the word "office" on line 2 to the word "after" on line 4, and insert the words "no person shall be elected or appointed to office in this State for life, or during good behavior; but the terms of all officers shall be for some specified period."

Mr. STANYARNE WILSON moved to amend as follows by adding "except Notaries Public and militia officers;" which was agreed to.

Mr. PRINCE moved to strike out all of the Section after "behavior" on line 4.

The question being put, the amendment was rejected.

The Section as amended was adopted.

Section 20. Mr. MOWER moved to amend as follows: line 8 strike out "nor be deprived of life, liberty or property without due process of law;" which was agreed to.

Mr. RAGSDALE moved to amend: strike out all after the word "law" on line 8 of Section 20, and add in lieu thereof the following: "private property shall not be taken for private use without the consent of the owner, nor for public use without just compensation being first made therefor;" which was agreed to.

Mr. STANYARNE WILSON moved to amend as follows: strike out all after the word "crime" on line 1 down to and including "unless" on line 3, and insert in lieu thereof the words "in the Court of General Sessions."

After debate by Messrs. Stanyarne Wilson, Ragsdale, B. R. Tillman, George Johnstone, D. H. Henderson, W. J. Montgomery, Talbert, Howell, Burn, McGowan, Hutson and Ragsdale,

The question being put: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 46; nays, 65.

Those who voted in the affirmative are:

Messrs. Anderson, Ashe, Barker, Barton, Behre, Bowman, Breazeale, Buist, Clayton, Connor, Cooper, Douglass, Dudley, Efird, Ellerbe, Floyd, Gamble, Garris, Gary, Hemphill, Howell, Ira B. Jones, Keitt, Klugh, Lowman, McGowan, McKagen, McMahan, J. D. Montgomery, W. J. Montgomery, Moore, Nathans, Nicholson, Otts, Parler, Russell, R. F. Smith, Smoak, Stribling, Sullivan, G. D. Tillman, Whipper, Stanyarne Wilson, W. B. Wilson, Winkler, and Woodward.—46.

Those who voted in the negative are:

Nays—Messrs. Alexander, Atkinson, Austin, Brrry, Bellinger, Bowen, Bryan, Burn, Carver, Cunningham, DeHay, Dennis, Derham, Doyle, Farrow, Field, Fitch, Fraser, Gage, Gilland, J. L. Glenn, J. P. Glenn, Gooding, Graham, Hamel, Harris, Harrison, Hay, Wm. Henderson, Hutson, T. E. Johnson, George Johnstone, Wilie Jones, E. J. Kennedy, Lee, McCaslan, McCown, McDermotte, McMakin, McWhite, Meares, Miller, Mower, Murray, Nash, Oliver, Patton, Ragsdale, J. H. Reed, I. R. Reed, Rosborough, Rowland, Singletary, Sloan, Smalls, A. J. Smith, Jeremiah Smith, Talbert, Taylor, B. R.

Tillman, Von Kolnitz, Wharton, A. H. White, S. E. White, and Wiggins.—65.

PAIRS.

Mr. D. S. HENDERSON stated that he was paired with Mr. Bobo, otherwise he would vote "yea."

Mr. MORRISON stated that he was paired with Mr. Timmerman, otherwise he would vote "no."

Mr. MOWER moved to reconsider the vote whereby the Convenvention rejected the proposed amendment, and to lay that motion on the table; which was agreed to.

Mr. BOWMAN moved to amend as follows: Section 20, line 2, strike out "one hundred" and insert "five hundred;" strike out "thirty days" and insert "one year."

On motion of Mr. MOWER, the proposed amendment was laid on the table.

Mr. FRASER moved to amend line 3 by adding after the word "days" the following words: "with or without hard labor;" which was agreed to.

Mr. MEARES moved to amend as follows: Insert after the word "liberty" on line 7 the words "but there must be an actual acquittal or conviction to bar another prosecution."

After debate by Messrs. Meares, George Johnstone, Ragsdale, Patton and Gage,

Mr. GEORGE JOHNSTONE moved to lay the amendment on the table; which was agreed to.

The Section as amended was adopted.

Mr. GEORGE JOHNSTONE moved to reconsider the vote whereby the Convention adopted Section 20 and to lay that motion on the table; which was agreed to.

Section 21 was adopted as amended.

Section 22 was adopted as reported by Committee.

Section 2. Mr. B. R. TILLMAN moved to reconsider the vote whereby Section 2 was adopted; which was agreed to.

Section 2. Mr. B. R. TILLMAN moved to amend as follows: Strike out Section 2.

After debate by Messrs. B. R. Tillman, George Johnstone and McMahan,

The question being put, the Convention agreed to strike out.

The Article was read the second time, adopted, and ordered engrossed for a third reading to-morrow.

Mr. MOWER moved to reconsider the vote whereby the Convention ordered to a third reading the Article, and to lay that motion on the table; which was agreed to.

GENERAL ORDERS.

No. 62, an ordinance to provide that the General Assembly may enact such laws as may be necessary to validate and carry into effect subscriptions to the capital stock of certain railroad companies heretofore voted by the County of Fairfield, and to validate and authorize the issue of bonds in payment of the same was read the third time, and referred to the Committee on Order, Style and Revision.

No. 58, an ordinance defining the pay and mileage of the members, officers and employees of this Convention.

Section 3. Mr. FIELD moved to amend as follows: On last line by striking out the word "five" before the word "hundred," and inserting the word "seven" in lieu thereof; which was agreed to.

Mr. CLAYTON offered the following, to be known as Section 4:

SECTION 4. The disbursing officers of this Convention shall, upon the adjournment thereof, or as soon thereafter as practicable, issue to the widows of the late J. O. Byrd, R. H. Hodges and J. M. Sprott, members of this Convention, who died while in attendance thereon, pay certificates for the amounts which would have been due their respective husbands had they lived and been in attendance upon this body when it adjourned.

Which was agreed to.

The Article was read a third time, adopted as amended and ordered referred to the Committee on Order, Style and Revision.

No. 46, report of Committee on Jurisprudence,

Section 6. Mr. B. R. TILLMAN moved to add to the end of the Section: *Provided,* In all cases of lynching when death ensues, the County where such lynching takes place shall, without regard to the conduct of the officer, be liable to exemplary damages of not less than two thousand dollars to the legal representatives of the person lynched;" which was agreed to.

Mr. B. R. TILLMAN, at the request of Mr Sheppard, introduced the following:

"*Provided further,* Each and every person connected with such mob or unlawful assemblage shall be jointly and severally liable to the person injured, or, if he be dead, to his personal representatives, in damages to the sum of five thousand dollars, to be moved by action in the Court of Common Pleas, and each and every of the said persons against whom a judg-

ment may be found shall be imprisoned until the judgment shall be paid in full."

The question being put: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 38; nays, 74.

Those who voted in the affirmative are:

Yeas—Hon. John Gary Evans, President, and Messrs. Alexander, Anderson, Ashe, Bellinger, Breazeale, Buist, Burn, Dudley, Ellerbe, Fitch, Gage, Gary, D. S. Henderson, Henry, T. E. Johnson, Wilie Jones, Keitt, McCaslan, McDermotte, McMahan, Miller, J. D. Montgomery, W. J. Montgomery, Nathans, Nicholson, Parler, I. R. Reed, Smalls, Jeremiah Smith, Stribling, Sullivan, B. R. Tillman, Watson, Whipper, S. E. White, W. B. Wilson, and Woodward.—38.

Those who voted in the negative are:

Messrs. Atkinson, Austin, Barker, Barry, Barton, Behre, Bowen, Bowman, Carver, Clayton, Connor, Cooper, Cunningham, DeHay, Dennis, Dent, Douglass, Doyle, Efird, W. D. Evans, Farrow, Field, Floyd, Fraser, Gamble, Garris, Gilland, J. L. Glenn, J. P. Glenn, Gooding, Graham, Gunter, Hamel, Harris, Hay, Haynsworth, Hemphill, Wm. Henderson, Howell, George Johnstone, Ira B. Jones, E. J. Kennedy, Klugh, Lee, Lowman, McCown, McGowan, McKagen, McMakin, McWhite, Meares, Moore, Morrison, Murray, Nash, Oliver, Otts, Patterson, Peake, Ragsdale, J. H. Read, Rosborough, Rowland, Singletary, A. J. Smith, Smoak, Talbert, Taylor, G. D. Tillman, Von Kolnitz, Wharton, A. H. White, Wiggins, and Stanyarne Wilson.—74.

REASON FOR VOTING.

Mr. BARKER—

"I vote 'no' on the additional Section 6 to Article on Jurisprudence because I believe the provision is so extreme in its severity that it will defeat its own object, and that no conviction will be had under it."

Mr. B R TILLMAN moved to amend by limiting the imprisonment to one year.

Mr. PATTERSON moved to lay the amendment on the table; which was agreed to.

Mr. BREAZEALE moved to amend Section 6 as follows, by adding to the end of the Section:

Provided, That any County against whom a judgment has been obtained for damages in any case of lynching shall have the right to recover the

amount of said judgment from the parties engaged in said lynching in any Court of competent jurisdiction.

Which was agreed to.

Mr. BELLINGER moved to amend by striking out the words "indicted and ;" which was agreed to.

The Section as amended was adopted.

The Article having been read three times was adopted as amended, and ordered referred to the Committee on Order, Style and Revision.

No. 30, report of the Committee on Corporations. (Mr. Bellinger for Committee.)

Section 1 was adopted as reported by the Committee.

Section 2 was adopted as amended.

Section 3. Mr. HOWELL moved to amend as follows: Strike out all on line 4 after the word "such."

After debate by Messrs. Howell, Cooper, Lee, Wharton and W. B. Wilson,

Mr. STANYARNE WILSON moved that a vote be taken on this Section at 1.45 P. M.; which was agreed to.

Debate continued by Messrs. Barker and George Johnstone.

Mr. LEE moved to lay the amendment on the table.

The question being put: "Will the Convention agree thereto ?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 43; nays, 67.

Those who voted in the affirmative are:

Yeas—Hon. John Gary Evans, President, and Messrs. Barry, Barton, Bellinger, Bowen. Bowman, Buist, Burn, Carver, Connor, Cunningham, Dent, Derham, Douglass, Field, Fraser, Gage, Gunter, Hamel, T. E. Johnson, George Johnstone, Ira B. Jones, Keitt, Lee, Lowman, McCown, McKagen, McMahan, Meares, Miller, Mower, Nash, Nicholson, Otts, Patterson, Ragsdale, Rowland, A. J. Smith, Jeremiah Smith, Taylor, Stanyarne Wilson, W. B. Wilson, and Woodward.—43.

Those who voted in the negative are:

Nays—Messrs. Alexander, Ashe, Austin, Barker, Breazeale, J. S. Brice, Bryan, Clayton, Cooper, DeHay, Dennis, Doyle, Dudley, Efird, W. D. Evans, Farrow, Fitch, Floyd, Gamble, Garris, Gary, Gilland, J. L. Glenn, J. P. Glenn, Graham, Harris, Harrison, Haynsworth, Hemphill, D. S. Henderson, Wm. Henderson, Henry, Howell, Hutson, Wilie Jones, McCaslan, McGowan, McMakin, McWhite, J. D. Montgomery, W. J. Montgomery, Moore, Morrison, Murray, Nathans, Oliver, Parler, Patton, Prince, J. H. Read, Rosborough, Russell,

Singletary, Sloan, Smalls, R. F. Smith, Stribling, Sullivan, Talbert, B. R. Tillman, G. D. Tillman, Watson, Wharton, Whipper, A. H. White, S. E. White, and Wiggins.—67.

Mr. WINKLER stated that he was paired with Mr. Klugh, otherwise he would vote "aye."

The question being upon the amendment of Mr. Howell, the amendment was agreed to.

Mr. LEE moved to amend as follows: by adding the words "it shall be unlawful for any such corporation to make any contract relieving it of its common law liability, or limiting the same, in reference to the carriage of passengers."

Mr. HOWELL moved to lay the amendment on the table.

The question being put, the motion was rejected.

The amendmeut of Mr. Lee was then adopted.

Mr. LEE moved to reconsider the vote whereby the amendment was adopted, and to lay that motion on the table; which was agreed to.

Mr. HENRY introduced the following ordinance, which was read the first time and ordered for consideration to-morrow:

Be it ordained by this Constitutional Convention, That the General Assembly at its next session shall provide reasonable compensation for the Commissioners, Managers and other officers who conducted the election for members of this Constitutional Convention.

REPORT OF STANDING COMMITTEE.

Mr. DUDLEY submitted the following report:

The Committee on Engrossed Resolutions and Ordinances, to whom was referred an Article relating to Finance and Taxation, beg leave to report that the same has been correctly engrossed and revised.

T. E. DUDLEY, for Committee.

Received as information.

Mr. GARRIS asked and obtained permission to withdraw his Ordinance, No. 69, printed in the Journal of yesterday, page 19.

Mr. CLAYTON, in the absence of the Clarendon delegation, introduced the following:

Whereas this Convention has heard with regret of the death of J. M. Sprott, a delegate from the County of Clarendon; therefore, be it

Resolved, That a page of the Journal be dedicated to his memory, and that as a further mark of respect this Convention do now recede from business until 7:30 P. M. this day.

The resolution was considered immediately and unanimously adopted by a rising vote.

At 2 P. M. the Convention receded from business until 7:30 this day.

IN MEMORY OF

Hon. J. M. Sprott.

RECESS.

The PRESIDENT resumed the chair at 7:30 P. M.

No. 30, report of the Committee on Corporations (Mr. Bellinger for Committee.)

Section 3 was adopted as amended.

Section 4. Mr. PRINCE moved to amend as follows: on line 7 strike out the word "railroad;" which was agreed to.

The Section as amended was adopted.

Section 5. Mr. HOWELL moved to strike out the entire Section.

After debate by Messrs. Howell, Bellinger, Talbert, W. D. Evans and Miller,

The question being put, the motion was rejected.

Mr. HAYNSWORTH moved to amend as follows: Transfer the words "within this State" from line 2 to line 3 after the word "intelligence" and add after the same the word "or;" which was agreed to.

The question being upon the adoption of the Section,

Mr. G. D. TILLMAN addressed the Convention.

Debate continued by Mr. Stanyarne Wilson.

The Section was adopted as amended.

Section 6. Mr. BUIST moved to amend as follows: Strike out lines 8, 9, 10, 11 and 12, and spoke in support of his amendment.

Debate was continued by Messrs. Nathans, Bryan, Prince, Patton, and Barker.

The amendment was agreed to.

The Section as amended was adopted.

Sections 7 and 8 were adopted as amended.

Section 9. Mr. MOWER moved to amend as follows: Strike out all after the "proper" on line 4 and insert the following: "The General Assembly shall provide by law for the thorough examination and inspection of all the banking and fiscal corporations of this State;" which was agreed to.

Section 9 was adopted as amended.

Sections 10, 11, 12, 13, 14, 15, 16 and 17 were adopted as amended on the second reading.

Section 18. Mr. W. J. MONTGOMERY moved to amend as follows: Strike out all after the word "then," on line 3, and insert the following: "*Provided,* That the stockholders in banks or banking institutions shall be liable to the amount of their respective share or shares, and five per cent. thereof in addition, for all of its debts and liabilities upon note, bill or otherwise."

Mr. MONTGOMERY spoke in support of his proposed amendment.

Debate was continued by Mr. Gage.

Mr. OTTS moved to lay the amendment on the table.

The question being put : " Will the Convention agree thereto ?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows :

Yeas, 73 ; nays, 25.

Those who voted in the affirmative are :

Yeas—Hon. John Gary Evans, President, and Messrs. Alexander, Anderson, Ashe, Atkinson, Austin, Barry, Barton, Behre, Bellinger, Breazeale, Bryan, Buist, Burn, Carver, DeHay, Dennis, Derham, Douglass, Efird, W. D. Evans, Field, Fraser, Gage, Gamble, Garris, J. L. Glenn, J. P. Glenn, Graham, Gunter, Hamel, Harris, Hay, Hemphill, Wm. Henderson, T. E, Johnson, Wilie Jones, E. J. Kennedy, Lee, McCaslan, McCown, McDermotte, McGowan, McKagen, McMahan, McMakin, McWhite, Miller, Moore, Morrison, Murray, Nicholson, Otts, Patterson, Patton, Prince, I. R. Reed, Rosborough, Rowland, Singletary, Smalls, A. J. Smith, Jeremiah Smith, W. C. Smith, Sullivan, Talbert, Taylor, B. R. Tillman, G. D. Tillman, Watson, Whipper, Wiggins, and Woodward.—73.

Those who voted in the negative are :

Nays—Messrs. Barker, Bowen, Cooper, Dudley, Ellerbe, Gooding, Harrison, Haynsworth, D. S. Henderson, Henry, Howell, Hutson, George Johnstone, Ira B. Jones, Klugh, J. D. Montgomery, W. J. Montgomery, Nathans, J. H. Read, R. F. Smith, Stribling, Wharton, A. H. White, S. E. White, and Stanyarne Wilson.—25.

Sections 18, 19 and 20 as amended were adopted.

Section 21. Mr. IRA B. JONES offered the following to be known as Section 21 :

No right of way shall be appropriated to the use of any corporation until full compensation therefor shall be first made or secured by a deposit of money to the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury of twelve men in a Court of record as shall be prescribed by law.

Which was agreed to and adopted as Section 21.

Mr. GEORGE JOHNSTONE moved to reconsider the vote whereby Section 2 was adopted ; which was agreed to.

Mr. GEORGE JOHNSTONE moved to amend as follows :

Provided, That the General Assembly may, by a two-thirds vote on a concurrent resolution, allow a Bill for a special charter to be introduced, and when so introduced may pass the same as other Bills.

Which was agreed to.

Section 2 as amended was adopted.

The question being upon the adoption of the entire Article,

Mr. BARKER moved to indefinitely postpone the whole Article.

Mr. BARKER addressed the Convention in support of his motion.

Debate was continued by Mr. Stanyarne Wilson.

The Article was read the third time, adopted and referred to the Committee on Order, Style and Revision.

No. 65, an ordinance to provide for the payment of the per diem and mileage of the delegates, officers and employees of the Convention, and to require the General Assembly to make additional appropriation to pay the same.

Mr. W. D. EVANS offered the following as a substitute :

SECTION 1. That the amount of thirty thousand dollars, if so much be necessary, in addition to the thirty thousand dollars appropriated by the last General Assembly, be, and is hereby, appropriated to pay the per diem and mileage of the delegates, officers and employees of the Convention, and other necessary expenses.

SECTION 2. That the Governor and State Treasurer be, and they are hereby, authorized to borrow money sufficient to meet this additional appropriation, and to pay it out upon the warrants of the Comptroller-General, or upon the warrants issued by the Secretary of this Convention and countersigned by the President.

SECTION 3. That the General Assembly is hereby required and directed at its next session to make an appropriation sufficient to pay the amount of money the State Treasurer is herein authorized to borrow for the payment of the balance of the per diem and mileage of the delegates, officers and employees of the Convention, and other necessary expenses, after the exhaustion of the thirty thousand dollars already appropriated by the General Assembly.

The substitute was read the third time, adopted and ordered referred to the Committee on Order, Style and Revision.

No. 66, an ordinance to provide for the payment of the interest on the public debt of the State of South Carolina and to require the General Assembly to make appropriation for that purpose.

Mr. W. D EVANS offered the following substitute, which was read the third time, adopted and ordered to the Committee on Order, Style and Revision :

Section 1. That the Governor and State Treasurer be, and they are hereby, authorized to make arrangements for the payment of the semi-annual interest due on the public debt of the State on the first day of January, A. D. 1896, and if necessary, in anticipation of the collection of taxes, they are hereby authorized to borrow for that purpose a sum not exceeding $160,000.

Section 2. That the General Assembly at its next session is hereby required and directed to make an appropriation for the payment of the said debt.

No. 63, an Article relating to eminent domain.

Was read the third time, adopted and ordered referred to the Committee on Order, Style and Revision.

No. 48, an ordinance relating to the age of consent.

Was read the third time, adopted and ordered referred to the Committee on Order, Style and Revision.

REPORTS OF STANDING COMMITTEES.

Mr. DUDLEY, for Committee on Engrossed Resolutions and Ordinances, to whom was referred No. 65, "An Ordinance to provide for the payment of the per diem and mileage of the delegates, officers and employees of the Convention and other necessary expenses, and to require the General Assembly to make additional appropriation to pay the same," beg leave to report that the same has been correctly engrossed and revised.

Which was received as information.

Mr. DUDLEY, for Committee on Engrossed Resolutions and Ordinances, to whom was referred No. 66, "An Ordinance to provide for the payment of the interest on the public debt of the State of South Carolina, and to require the General Assembly to make appropriation for that purpose," beg leave to report that the same has been correctly engrosed and revised.

Which was received as information.

M. DUDLEY, for the Committee on Engrossed Resolutions and Ordinances, to whom was referred No. 63, an Article relating to eminent domain, beg leave to report that the same has been correctly engrossed and revised.

Which was received as information.

Mr. W. J. MONTGOMERY submitted the following report:

The Committee on Engrossed Resolutions and Ordinances, to whom was referred No. 10, an Article relating to the Legislative Department, beg leave to report that the same has been correctly engrossed and revised.

W. J. MONTGOMERY,
For Committee.

Which was received as information.

No. 67, Judicial Department, reporting schedule, was read the second time and ordered engrossed for a third reading to-morrow.

No. 70, resolution in regard to paying the State Printer, was read the second time and ordered engrossed for a third reading to-morrow.

No. 67, proposed amendment by Mr. Fraser to Judicial Department, reporting schedule:

1. This Constitution shall not operate to repeal any ordinance passed and ratified by this Convention.

2. At all elections held for members of the General Assembly in case of a vacancy, or for any other office, State, County or municipal, the qualifications of electors shall remain as they were under the Constitution of 1868 until the 1st day of November, 1896, A. D.

Mr. STANYARNE WILSON, for the Steering Committee, submitted the following report, which was considered immediately and agreed to:

The order and conduct of business for the remainder of the session shall be as follows: 1. For November 25th, No. 67, thirty minutes; No. 64, one hour; Nos. 50, 57, 59, 68, 69 and 70, one hour and thirty minutes; No. 12, thirty minutes; No. 41, two hours; No. 10, two hours; No. 34, thirty minutes; No. 42, one hour; No. 48, thirty minutes; No. 63, thirty minutes, or so much of such periods as shall be necessary.

2. For Nov. 26th, No. 64, thirty minutes; No. 67, thirty minutes, if so much be necessary, and so much of the remainder of the day as may be necessary for the unfinished business of the Convention.

Respectfully submitted,
STANYARNE WILSON, Chairman.

Nov. 23rd, 1895.

On motion of Mr. STANYARNE WILSON, at 10:45 P. M., the Convention adjourned until 9:30 A. M. to-morrow.

FIFTY-SIXTH DAY.

Monday, November 25, 1895.

The Convention assembled at 9:30 o'clock A. M.

The Secretary called the roll.

The PRESIDENT took the chair.

A quorum being present, the deliberations were opened with prayer by the Rev. Mr. ABNEY.

The Journal of yesterday's proceedings was read and confirmed.

LEAVES OF ABSENCE.

Balance of week, to Mr. Dent.

ACCOUNT.

Mr. FIELD presented the following account, which was read the first time and referred to the Committee on Contingent Accounts:

STATE OF SOUTH CAROLINA

To W. H. MACFEAT, DR.

Taking stenographically Senator B. R. Tillman's speech on suffrage before Constitutional Convention, and making typewritten transcript of same, twenty-five dollars	$25 00
Total	$25 00

Personally appeared before me W. H. Macfeat and made oath that the above account of twenty-five dollars is just and correct, and no part of the same has been paid.

W. H. MACFEAT.

Sworn to before me this 26th day of November, 1895.
D. H. TOMPKINS, [L. S.]
Notary Public.

REPORTS OF STANDING COMMITTEES.

Mr. McCOWN submitted the following report:

The Committee on Engrossed Resolutions and Ordinances, to whom was referred No. 34, "An Article relaling to the Declaration of Rights," beg leave to report that the same has been correctly engrossed and revised.

R. M. McCOWN,
For Committee.

Received as information.

Mr. McCOWN submitted the following report:

The Committee on Engrossed Resolutions and Ordinances, to whom was referred No. 42, "An Article relating to Judicial Department," beg leave to report that the same has been correctly engrossed and revised.

R. M. McCOWN,
For Committee.

Received as information.

Mr. McCOWN submitted the following report:

The Committee on Engrossed Resolutions and Ordinances, to whom was referred No. 70, "A Resolution in regard to paying the State Printer," beg leave to report that the same has been correctly engrossed and revised.

R. M. McCOWN,
For Committee.

Which was received as information.

SECOND READINGS.

No. 64, report of the Committee on Counties and County Government. (Mr. Austin for Committee.)

Mr. W. B. WILSON offered the following to be added to the end of the ordinance after the word "River," on line 23 :

Nor shall anything contained in Section 3 of said Article on Counties and County Government apply to prevent the formation of a new County embracing within its limits the city of Rock Hill, with an area of not less than three hundred square miles, and having a population of not less than sixteen thousand inhabitants, and property assessed for taxation at not less than two and a half millions of dollars, and the County seat of such new County shall defray the cost of building a County court house and jail.

Mr. W. B. WILSON spoke in support of his proposed amendment.

Debate was continued by Messrs. Brice, S. E. White and Stanyarne Wilson.

Mr. R. F. SMITH introduced the following :

Nor shall anything in Section 3, Article on Counties and County Government, prevent the formation of the new County of Williamston, with three hundred square miles, provided the same has a population of not less than thirty-four thousand and property of the assessed value of not less than five million dollars.

On motion of Mr. McGOWAN, the proposed amendment was laid on the table.

No. 71, an ordinance to provide for the pay of Commissioners and Managers of Election. (Mr. Henry.)

Was read the second time and ordered engrossed for a third reading to-morrow.

Mr. G. D. TILLMAN moved to amend the amendment by adding:

Provided, The General Assembly may, in its discretion, create any new County with an area of not less than three hundred square miles whenever it is shown that an area of four hundred square miles cannot be obtained, and upon such new County complying with all the other mandatory requirements of this Article.

On motion of Mr. STANYARNE WILSON, the amendment was laid on the table.

The question being upon the adoption of the amendment of Mr. W. B. Wilson,

Mr. McGOWAN moved to lay the proposed amendment on the table.

The question being put : "Will the Convention agree thereto ?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows :

Yeas, 65 ; nays, 31.

Those who voted in the affirmative are :

Yeas—Messrs. Alexander, Ashe, Atkinson, Austin, Barker, Behre, Bellinger, J. S. Brice, Bryan, Cooper, DeHay, Derham, Doyle, Farrow, Fitch, Floyd, Gage, Garris, Gary, J. L. Glenn, J. P. Glenn, Gooding, Harris, Harrison, Haynsworth, Hemphill, Wm. Henderson, Howell, Ira B. Jones, E. J. Kennedy, Klugh, Lybrand, McDermotte, McGowan, McMakin, McWhite, Miller, Mitchell, W. J. Montgomery, Murray, Nicholson, Oliver, Otts, Parler, Patterson, Peake, Redfearn, Rowland, Russell, Singletary, Smalls, A. J. Smith, Jeremiah Smith, R. F. Smith, W. C. Smith, Stribling, Talbert, Taylor, G. D. Tillman, Waters, Watson, Whipper, Wiggins, Winkler, and Woodward.—65.

Those who voted in the negative are :

Nays—Hon. John Gary Evans, President, and Messrs. Aldrich, Barry, Barton, Bowen, Breazeale, Buist, Burn, Carver, Dennis, Dudley, Field, Fraser, Gamble, Gilland, Gunter, George Johnstone, Wilie Jones, McKagen, McMahan, Matthews, Meares, Moore, Sheppard, Shuler, Sloan, B. R. Tillman, Wells, A. H. White, S. E. White, Stanyarne Wilson, and W. B. Wilson.—31.

PAIRS.

Mr. McCASLAN stated that he was paired with Mr. Hutson, otherwise he would vote "no."

Mr. EFIRD stated that he was paired with Mr. Stackhouse, otherwise he would vote "aye."

Mr. CLAYTON stated that he was paired with Mr. Cantey, otherwise he would vote "aye."

Mr. GRAHAM stated that he was paired with Mr. F. W. Brice, otherwise he would vote "aye."

Mr. HAMEL stated that he was paired with Mr. Matthews, otherwise he would vote "no."

Mr. DOUGLASS stated that he was paired with Mr. Bradham, otherwise he would vote "aye."

Mr. CARVER stated that he was paired with Mr. Cunningham, otherwise he would vote "no."

REASONS FOR VOTING.

I voted "no" on the motion to table the amendment excepting Rock Hill from the general rule for the formation of new Counties because, while

opposed to any exceptions, yet if an exception should be made for Seabrook, I thought Rock Hill should be excepted also.

J. E. BREAZEALE.

I voted "yea" because I am not here to grant any special favors or class legislation in the organic law.

WM. R. SINGLETARY.

I voted "yea;" I was in favor of Seabrook County; thought a rider was unfair—that Rock Hill ought to stand on her merits.

R. B. WATSON.

The question recurring upon the adoption of the report of the Committee and ordering the ordinance to a third reading,

Mr. BEHRE spoke in support of the report.

Debate was continued by Messrs. Dennis, Mitchell, Otts, Fitch and Barker.

The question being put: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 55; nays, 55.

Those who voted in the affirmative are:

Yeas—Hon. John Gary Evans, President, and Messrs. Anderson, Austin, Behre, Bellinger, Bowen, Bradham, Burn, Carver, Cooper, DeHay, Dennis, Douglass, W. D. Evans, Farrow, Field, Fitch, Floyd, Fraser, Gamble, Garris, Gary, Gilland, Gooding, Graham, Harrison, Wm. Henderson, Henry, T. E. Johnson, Wilie Jones, McCaslan, McCown, McMakin, Meares, Miller, Moore, Morrison, Murray, Parler, I. R. Reed, Rosborough, Rowland, Shuler, Smalls, A. J. Smith, Talbert, B. R. Tillman, Von Kolnitz, Waters, Watson, Whipper, A. H. White, S. E. White, W. B. Wilson, and Woodward.—55.

Those who voted in the negative are:

Nays—Messrs. Aldrich, Atkinson, Barker, Barry, Barton, Breazeale, Bryan, Buist, Cantey, Clayton, Dent, Derham, Doyle, Dudley, Efird, Ellerbe, Gage, J. L. Glenn, J. P. Glenn, Gunter, Harris, Hemphill, Howell, George Johnstone, Ira B. Jones, E. J. Kennedy, Klugh, Lee, Lybrand, McKagen, McMahan, McWhite, Mitchell, J. D. Montgomery, W. J. Montgomery, Nash, Nathans, Nicholson, Otts, Patterson, Prince, Redfearn, Russell, Sheppard, Singletary, Sloan, Jeremiah Smith, R. F. Smith, W. C. Smith, Stribling, G. D. Tillman, Wells, Wiggins, Stanyarne Wilson, and Winkler.—55.

Mr. HEMPHILL moved to reconsider the vote whereby the Convention refused to order to a third reading.

Mr. DERHAM moved to lay the motion on the table.

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows:

Yeas, 64; nays, 53.

Those who voted in the affirmative are:

Yeas—Messrs. Aldrich, Alexander, Atkinson, Barker, Barry, Barton, Bates, Bowman, Breazeale, Bryan, Buist, Clayton, Connor, Dent, Derham. Douglass, Doyle, Dudley, Efird, Ellerbe, Gage, J. L. Glenn, Gunter, Harris, Hemphill, Houser, Howell, George Johnstone, Ira B. Jones, Wilie Jones, E. J. Kennedy, Klugh, Lee, Lybrand, McCaslan, McKagen, McMahan, Mitchell, J. D. Montgomery, W. J. Montgomery, Nathans, Nicholson, Otts, Parrott, Patterson, Redfearn, Russell, Sheppard, Sloan, Jeremiah Smith, R. F. Smith, W. C. Smith, Smoak, Stribling, B. R. Tillman, G. D. Tillman, Waters, A. H. White, Wiggins, Stanyarne Wilson, W. B. Wilson, and Winkler.—94.

Those who voted in the negative are:

Nays—Hon. John Gary Evans, President, and Messrs. Anderson, Austin, Behre, Bellinger, Bowen, Bradham, Burn, Cantey, Carver, Cooper, DeHay, Dennis, W. D. Evans, Farrow, Field, Fitch, Floyd, Fraser, Gamble, Garris, Gary, Gilland, Gooding, Graham, Hrrrison, Wm. Henderson, Henry, T. E. Johnson, McCown, McMakin, McWhite, Meares, Miller, Moore, Morrison, Murray, Nash, Parler, I. R. Reed, Rosborough, Rowland, Shuler, Smalls, A. J. Smith, Talbert, Taylor, Von Kolnitz, Watson, Wharton, Whipper, S. E. White, and Woodward.—53.

Mr. McDERMOTTE stated that he was paired with Mr. Stokes, otherwise he would vote "aye."

No. 57, an ordinance to authorize the General Assembly to provide for a sinking fund in the several Counties of the State, to enable the same to do business on a cash basis. (Mr. Connor.)

Mr. CONNOR moved to amend as follows: Strike out on line 2 the words "one-half of."

Mr. T. E. JOHNSON moved to lay the proposed amendment on the table.

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows:

Yeas, 67; nays, 39.

Those who voted in the affirmative are:

Yeas—Messrs. Alexander, Anderson, Ashe, Atkinson, Austin, Barker, Barry, Barton, Bates, Bellinger, Buist, Burn, Cantey, Carver, De-

Hay, Dennis, Dent, Douglass, Dudley, Efird, Ellerbe, Field, Fraser, Gage, Gamble, Gilland, J. L. Glenn, Graham, Gunter, Hamel, Harris, Harrison, D. S. Henderson, Henry, T. E. Johnson, George Johnstone, Ira B. Jones, E. J. Kennedy, J. W. Kennedy, Lybrand, McGowan, McMakin, Meares, Mitchell, W. J. Montgomery, Moore, Morrison, Nathans, Nicholson, Oliver, Parrott, Peake, Redfearn, I. R. Reed, Rogers, Rosborough, Rowland, Shuler, Stribling, Talbert, Taylor, Waters, Watson, Wells, A. H. White, Wiggins, and Woodward.—67.

Those who voted in the negative are :

Nays—Hon. John Gary Evans, President, and Messrs. Aldrich, Bowen, Bowman, Breazeale, Bryan, Clayton, Connor, Derham, J. P. Glenn, Gooding, Houser, Klugh, Lowman, McCaslan, McDermotte, McKagen, McMahan, McWhite, J. D. Montgomery, Nash, Otts, Parler, Prince, Russell, Singletary, A. J. Smith, Jeremiah Smith, R. F. Smith, W. C. Smith, Smoak, B. R. Tillman, G D. Tillman, Von Kolnitz, Wharton, Whipper, S. E. White, Stanyarne Wilson, and W. B. Wilson.—39.

Mr. T. E. JOHNSON moved to lay the amendment on the table.

The question being put : "Shall this ordinance be engrossed for a third reading ?"

Messrs. GEORGE JOHNSTONE, CONNOR and MEARES spoke upon the matter.

Mr. MEARES moved to indefinitely postpone the ordinance.

The question being put : "Will the Convention agree thereto ?" it was decided in the negative.

The yeas and nays were requested, and are as follows :

Yeas, 45 ; nays, 56.

Those who voted in the affirmative are :

Yeas—Hon. John Gary Evans, President, and Messrs. Aldrich, Ashe, Atkinson, Austin, Barker, Barton, Bates, Buist, Burn, Carver, Cooper, DeHay, Dennis, Dent, Derham, Douglass, Dudley, W. D. Evans, Gage, J. L. Glenn, Henry, Ira B. Jones, Wilie Jones, Lybrand, Meares, Miller, J. D. Montgomery, W. J. Montgomery, Moore, Nathans, Nicholson, Oliver, Otts, Parrott, Redfearn, Rosborough, Stribling, Talbert, Watson, Wells, A. H. White, Wiggins, Stanyarne Wilson, and W. B. Wilson.—45.

Those who voted in the negative are :

Nays—Messrs. Alexander, Barry, Bowen, Bowman, Bradham, Breazeale, Cantey, Clayton, Connor, Doyle, Efird, Farrow, Field, Gamble, Gary, J. P. Glenn, Graham, Gunter, Hamel, Harris, Harrison, Hemphill, D. S. Henderson, Wm. Henderson, Houser, Howell,

T. E. Johnson, George Johnstone, J. W. Kennedy, Klugh, Lee, Lowman, McCown, McGowan, McKagen, McMahan, McMakin, McWhite, Mitchell, Nash, Parler, Rowland, Russell, Sheppard, Shuler, Singletary, Sloan, A. J. Smith, Jeremiah Smith, Smoak, Taylor, B. R. Tillman, G. D. Tillman, Waters, Wharton, and S E. White.—56.

Mr. BOWMAN moved to amend as follows: Section 1, line 4, by inserting after the word "invested" the words "paid out."

Mr. BOWMAN spoke in support of his amendment.

The amendment was agreed to.

Mr. W. B. WILSON moved to lay the ordinance on the table.

The question being put: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 46; nays, 50.

Those who voted in the affirmative are:

Yeas—Hon. John Gary Evans, President, and Messrs. Aldrich, Ashe, Atkinson, Austin, Barker, Barry, Barton, Bates, Bowen J. S. Brice, Burn, Carver, Dennis, Douglass, Doyle, W. D. Evans, Field, Gage, Garris, J. L. Glenn, Gunter, Wm. Henderson, Ira B. Jones, Wilie Jones, E. J. Kennedy, Lybrand, McMakin, Meares, J. D. Montgomery, Nathans, Nicholson, Oliver, Otts, Parrott, Redfearn, Rosborough, Waters, Watson, Wells, A. H. White, Wiggins, Stanyarne Wilson, W. B. Wilson, and Woodward.—46.

Those who voted in the negative are:

Nays—Messrs. Alexander, Bowman, Bradham, Breazeale, Cantey, Clayton, Connor, Cooper, Efird, Floyd, Fraser, Gamble, Gary, J. P. Glenn, Graham, Hamel, Harris, Harrison, Hemphill, D. S. Henderson, Houser, Howell, T. E. Johnson, George Johnstone, J. W. Kennedy, Klugh, Lee, Lowman, McCaslan, McGowan, McKagen, McMahan, McWhite, Miller, Mitchell, Nash, Russell, Sheppard, Shuler, Singletary, Sloan, A. J. Smith, Jeremiah Smith, Smoak, Stribling, Taylor, B. R. Tillman, G. D. Tillman, Wharton, and S. E. White.—50.

Mr. MEARES moved to amend Section 1, line 1, by striking out the word "shall" and inserting the word "may;" which was agreed to.

The ordinance as amended was read the second time, adopted and ordered engrossed for a third reading to-morrow.

No. 59, an ordinance to provide an alphabetical index and marginal notes to the Constitution and ordinances of the Constitutional Convention of 1895. (Mr. Dudley.)

Mr. STANYARNE WILSON moved the following as a substitute for the ordinance, which was considered immediately and agreed to:

"Section 1. That C. M. Efird is hereby authorized and appointed to prepare a complete and alphabetical index, with marginal notes, of the Constitution and ordinances adopted by this Convention and to form a part of the Constitution and ordinances when printed; and that he receive as compensation therefor fifty dollars, the sum to be paid him by the State Treasurer upon warrant of the Comptroller General."

The substitute was read a second time, adopted and ordered engrossod for a third reading to-morrow.

No. 68, an ordinance to provide for the transfer of the State Government from the old Constitution to the new Constitution adopted in this Convention. (Unfavorable.) (Mr. Stanyarne Wilson for Committee.)

On motion of Mr. STANYARNE WILSON, was laid on the table.

No. 12, Article IX of the Constitution as proposed by the Committee on Finance and Taxation. (Mr. W. D. Evans, Chairman.)

Section 3. Mr. JEREMIAH SMITH moved to amend Section 3 by inserting after the word "year," on line 2, the following: "including jurors', witnesses' and Court Constables' pay certificates in criminal Courts and all fees and salaries for dieting prisoners and holding inquests, and of officers for services in criminal cases."

After debate by Messrs. Jeremiah Smith, W. B. Wilson, Ira B. Jones, Bellinger and Stanyarne Wilson,

Mr. STANYARNE WILSON moved to lay the proposed amendment on the table.

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows:

Yeas, 75; nays, 38.

Those who voted in the affirmative are:

Yeas—Hon. John Gary Evans, President, and Messrs. Ashe, Atkinson, Austin, Barker, Barry, Barton, Bates, Behre, Bowman, Breazeale, J. S. Brice, Bryan, Buist, Cantey, Carver, Clayton, Connor, Cooper, DeHay, Dennis, Dent, Douglass, Dudley, Efird, Ellerbe, Farrow, Fitch, Gage, Garris, Gary, J. L. Glenn, J. P. Glenn, Graham, Gunter, Harris, Hemphill, D. S. Henderson, Henry, Houser, Howell, T. E. Johnson. Wilie Jones, J. W. Kennedy, Klugh, Lowman, McCaslan, McGowan, McKagen, McMakin, Meares, W. J. Montgomery, Moore, Morrison, Nash, Nathans, Nicholson, Oliver, Prince, Rosborough, Shuler, Singletary, Sloan, A. J. Smith, Smoak, B. R. Tillman, Von Kolnitz,

Waters, Watson, Wells, A. H. White, S. E. White, Wiggins, Stanyarne Wilson, and W. B. Wilson.—75.

Those who voted in the negative are :

Nays—Messrs. Aldrich, Alexander, Anderson, Bellinger, Bowen, Burn, Derham, Doyle, W. D. Evans, Field, Floyd, Fraser, Gamble, Gooding, Hamel, Harrison, Wm. Henderson, Ira B. Jones, McCown, McDermotte, McMahan, McWhite, Miller, J. D. Montgomery, Otts, Parler, Parrott, I. R. Reed, Rogers, Smalls, Jeremiah Smith, R. F. Smith, W. C. Smith, Stribling, Talbert, Taylor, G. D. Tillman, and Winkler.—38.

PAIRED.

Mr. E. J. KENNEDY stated that he was paired with Mr. Lee, otherwise he would vote "no."

Section 3 was then adopted as amended.

Section 4 was adopted as amended.

Section 5. Mr. BATES moved to amend as follows, by adding to the end of the Section :

"And there shall further be exempt from taxation property to the assessed value of five hundred dollars to every widow who has a family dependent upon her for support, and to every Confederate soldier who lost a limb or is disabled by injuries received while serving in the late war: *Provided*, Such widow or soldier does not own property exceeding in assessed value one thousand dollars."

The pending question being the proposed amendment.

Mr. BATES having the floor, the Convention, at 2 P. M., receded from business until 4 P. M. this day.

RECESS.

The PRESIDENT resumed the chair at 4 P. M.

UNFINISHED BUSINESS.

No. 12, Article IX of the Constitution as proposed by Committee on Finance and Taxation. (Mr. W. D. Evans.)

Mr. BATES moved to reconsider the vote whereby Section 4 was adopted ; which was agreed to.

Mr. BATES offered his amendment printed in the Journal this morning, and purporting to be to Section 5, as an amendment to Section 4.

Mr. BATES spoke in support of his proposed amendment.

The question being put: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 38; nays, 62.

Those who voted in the affirmative are:

Yeas—Messrs. Aldrich, Alexander, Ashe, Austin, Barker, Barton, Bates, Bellinger, Bradham, Breazeale, T. W. Brice, Buist, Cantey, Douglass, Doyle, Efird, Ellerbe, Farrow, Fitch, Hamel, Howell, Ira B. Jones, J. W. Kennedy, McCaslan, McKagen, McMahan, McWhite, Moore, Murray, Parler, Patterson, Rosborough, Russell, W. C. Smith, Waters, Watson, S. E. White, and W. B. Wilson.—38.

Those who voted in the negative are:

Nays—Hon. John Gary Evans, President, and Messrs. Anderson, Atkinson, Bowen, Bowman, Bryan, Carver, Clayton, Cooper, Dudley, W. D. Evans, Field, Fraser, Gage, Garris, Gary, J. L. Glenn, J. P. Glenn, Gooding, Graham, Harris, Harrison, Hemphill, D. S. Henderson, Wm. Henderson, Henry, Houser, T. E. Johnson, George Johnstone, E. J. Kennedy, Klugh, Lee, Lowman, McCown, McDermotte, McGowan, Meares, Mitchell, J. D. Montgomery, W. J. Montgomery, Nash, Nicholson, Otts, Parrott, Peake, Prince, Rogers, Rowland, Sheppard, Shuler, Singletary, Sligh, A. J. Smith, Jeremiah Smith, R. F. Smith, Stribling, Taylor, G. D. Tillman, Wells, A. H. White, Winkler, and Woodward.—62.

Section 4 was adopted as amended.

Section 5. Mr. BELLINGER moved to amend as follows: After the word "same" on line 4 insert the following:

"All shares of the stockholders in any bank or banking association located in this State, whether now or hereafter incorporated or organized under the laws of this State or of the United States, shall be listed at their true value in money, and taxed for municipal purposes in the city, ward, town or incorporated village where such bank is located, and not elsewhere: *Provided*, That the words 'true value in money' as used in line 3 of this Section shall be so construed as to mean and include all surplus or extra moneys, capital and every species of personal property of value owned or in the possession of any such bank."

Mr. BELLINGER spoke in support of his amendment.

Debate continued by Messrs. Prince, Aldrich and Rogers.

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows:

Yeas, 63; nays, 51.

Those who voted in the affirmative are :

Yeas—Hon. John Gary Evans, President, and Messrs. Alexander, Barton, Bates, Bellinger, Bowman, Bradham, Cantey, Carver, Clayton, Connor, Cooper, DeHay, Dennis, Doyle, Ellerbe, W. D. Evans, Floyd, Gamble, Garris, J. P. Glenn, Graham, Gunter, Hamel, Wm. Henderson, Houser, T. E. Johnson, George Johnstone, Ira B. Jones, Keitt, E. J. Kennedy, J. W. Kennedy, Klugh, Lowman, McCown, McKagen, McMahan, McMakin, McWhite, Meares, J. D. Montgomery, Murray, Otts, Parrott, Patterson, Rogers, Rosborough, Rowland, Russell, Shuler, Sligh, A. J. Smith, Jeremiah Smith, Smoak, Stribling, Talbert, Taylor, Waters, Wiggins, Stanyarne Wilson, W. B. Wilson, Winkler, and Woodward.—63.

Those who voted in the negative are :

Nays—Messrs. Aldrich, Anderson, Ashe, Atkinson, Barker, Bowen, Breazeale, J. S. Brice, T. W. Brice, Buist, Douglass, Dudley, Efird, Farrow, Field, Fraser, Gage, Gary, J. L. Glenn, Gooding, Harris, Harrison, Hemphill, D. S. Henderson, Henry, Howell, Wilie Jones, Lee, McCaslan, McGowan, Mitchell, W. J. Montgomery, Moore, Nash, Nathans, Nicholson, Peake, Prince, I. R. Reed, Sheppard, Singletary, Sloan, R. F. Smith, W. C. Smith, G. D. Tillman, Von Kolnitz, Wells, Wharton, Whipper, A. H. White, and S. E. White.—51.

Mr. BELLINGER moved to reconsider the vote whereby the amendment was adopted and to lay that motion on the table ; which was agreed to.

Mr. BARKER moved to amend by adding the following : "*Provided*, That whenever the stockholders are taxed on their shares of capital stock in the bank the bank shall not be required to pay taxes on its property or capital."

Mr. BELLINGER moved to lay the amendment on the table.

The question being put : " Will the Convention agree thereto ?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows :

Yeas, 65 ; nays, 49.

Those who voted in the affirmative are :

Yeas—Hon. John Gary Evans, President, and Messrs. Anderson, Bates, Bellinger, Bowen, Bowman, Bradham, Breazeale, Buist, Cantey, Carver, Clayton, Connor, Cooper, DeHay, Dennis, Efird, W. D. Evans, Field, Floyd, Gamble, Garris, Gary, J. P. Glenn, Graham, Gunter, Hamel, Wm. Henderson, Henry, T. E. Johnson, Ira B. Jones, Keitt, E. J. Kennedy, J. W. Kennedy, Klugh, Lowman, McCown, McKagen, McWhite, Meares, Miller, J. D. Montgomery, Otts, Parrott, Patterson, I. R. Reed, Rogers, Rosborough, Russell, Shuler,

Singletary, Sligh, Smalls, A. J. Smith, Jeremiah Smith, Smoak, Talbert, Taylor, G. D. Tillman, Waters, A. H. White, W. B. Wilson, Winkler, and Woodward.—65.

Those who voted in the negative are :

Nays—Messrs. Aldrich, Ashe, Atkinson, Austin, Barker, Barton, T. W. Brice, Bryan, Douglass, Doyle, Dudley, Ellerbe, Farrow, Fraser, Gage, J. L. Glenn, Gooding, Harris, Harrison, Hemphill, D. S. Henderson, Howell, George Johnstone, Wilie Jones, Lee, McCaslan, McGowan, McMahan, Mitchell, W. J. Montgomery, Moore, Nathans, Nicholson, Parler, Peake, Prince, Sheppard, Sloan, R. F. Smith, W. C. Smith, Stribling, Von Kolnitz, Watson, Wells, Wharton, Whipper, S. E White, Wiggins, and Stanyarne Wilson.—49.

Mr. PRINCE moved to amend as follows : "*Provided*, A like rule of taxation shall apply to the stockholders of all corporations other than banking institutions :" which was agreed to.

The Section as amended was adopted.

Mr. BELLINGER moved to reconsider the vote whereby the Convention had adopted Section 5, and to lay that motion on the table ; which was agreed to.

Section 6. Mr. BELLINGER moved to amend line 5 by striking out the word "heretofore :" which was agreed to.

The Section as amended was adopted.

Section 7. Mr. T. E. JOHNSON moved to amend by adding at the end of the Section the words "railroads are not to be included in the term public roads."

Mr. W. D. EVANS moved to lay the amendment on the table ; which was agreed to.

The Section was then adopted.

Sections 8, 9, 10, 11 and 12 were adopted as amended.

Mr. W. D. EVANS offered the following to be known as Section 13 :

"Section 13. The General Assembly shall provide for the assessment of all property for taxation ; and State, County, township, school district, municipal and all other taxes shall be levied on the same assessment, which shall be that made for State taxes ; and the taxes for the subdivisions of the State shall be levied and collected by the respective fiscal authorities thereof."

Which was agreed to.

The substitute was adopted as Section 13.

Mr. ROGERS moved the following to be known as Section 14 :

"The General Assembly shall provide by suitable legislation for the exemption of all real estate on which a mortgage exists from taxation to

the extent of the proportion that mortgage debt bears to the value of the property."

After debate by Messrs. W. D. Evans, Rogers, Ira B. Jones and Stanyarne Wilson,

Mr. ROGERS asked and obtained permission to withdraw his proposed amendment.

The Article as amended, having been read three times, was ordered referred to the Committee on Order, Style and Revision.

No. 41, report of the Committee on Education. (Mr. Mitchell for Committee.)

Leave of absence was granted to Mr. Keitt until Monday evening next.

The pending question being the proposed amendment of Mr. E. J. Kennedy to Section 12, at 6 P. M. the Convention receded from business until 7:30 P. M. this day.

RECESS.

The PRESIDENT resumed the chair at 7:30 P. M.

No. 41, report of the Committee on Education. (Mr. Mitchell for Committee.)

The pending question being the proposed substitute for Section 12 of Mr. E. J. Kennedy, printed in the Journal of Wednesday, November 20, page 10.

Mr. E. J. KENNEDY spoke in support of his proposed substitute.

Debate was continued by Messrs.

Mr. B. R. TILLMAN offered the following as a substitute for the substitute proposed by Mr. E. J. Kennedy :

SECTION 12. All the net income to be derived by the State from the sale or license for the sale of spirituous, malt, vinous and intoxicating liquors and beverages, not including so much thereof as is now or may hereafter be allowed by law to go to the Counties and municipal corporations of the State, shall be applied annually in aid of the supplementary taxes provided for in the sixth Section of this Article; and if after said application there should be a surplus, it shall be devoted to public school purposes and apportioned as the General Assembly may determine: *Provided, however,* That the said supplementary taxes shall only be levied when the profits aforesaid and from the sale or license for the sale of alcoholic liquors or beverages are not sufficient to meet and equalize the deficiencies for which the said supplementary taxes are provided.

Mr. HEMPHILL moved to strike out Section 12.

Mr. ROGERS moved to lay the motion on the table; which was agreed to.

The question being upon the substitute proposed by Mr. B. R. Tillman,

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows:

Yeas, 95; nays, 28.

Those who voted in the affirmative are:

Yeas—Hon. John Gary Evans, President, and Messrs. Aldrich, Alexander, Ashe, Atkinson, Barker, Barry, Barton, Bellinger, Bowen, Bradham, Breazeale, J. S. Brice, T. W. Brice, Bryan, Burn, Cantey, Carver, Clayton, Cooper, DeHay, Dennis, Douglass, Dudley, Efird, W. D. Evans, Field, Fitch, Floyd, Fraser, Gamble, J. L. Glenn, J. P. Glenn, Gooding, Graham, Gunter, Hamel, Harris, Harrison, D. S. Henderson, Wm. Henderson, Henry, Howell, Hutson, T. E. Johnson, George Johnstone, Ira B. Jones, Wilie Jones, Keitt, J. W. Kennedy, Klugh, Lee, Lowman, Lybrand, McCaslan, McCown, McDermotte, McGowan, McKagen, McMahan, McMakin, Meares, Mitchell, J. D. Montgomery, W. J. Montgomery, Moore, Mower, Murray, Nash, Nathans, Nicholson, Otts, Parler, Parrott, Patterson, Patton, Prince, Rogers, Rosborough, Rowland, Russell, Sheppard, Sloan, A. J. Smith, W. C. Smith, Talbert, B. R. Tillman, G. D. Tillman, Von Kolnitz, Waters, Wharton, Wiggins, Stanyarne Wilson, W. B. Wilson, and Woodward.—95.

Those who voted in the negative are:

Nays—Messrs. Anderson, Austin, Bates, Bowman, Buist, Connor, Doyle, Gage, Gary, Hemphill, Hiers, Houser, E. J. Kennedy, Miller, I. R. Reed, Shuler, Sligh, Smalls, Jeremiah Smith, Smoak, Stribling, Taylor, Timmerman, Watson, Wells, Whipper, A. H. White, and Winkler.—28.

Mr. MITCHELL moved to reconsider the vote whereby the Convention adopted the substitute, and to lay that motion on the table; which was agreed to.

Mr. MITCHELL moved to amend on line 2, Section 2, printed Bill, by striking out the word "additional" and inserting the word "other;" which was agreed to.

Also, on line 1, Section 3, printed Bill, strike out the word "official" and insert the word "officers;" which was agreed to.

Also, on line 7, Section 4, printed Bill, strike out the word "for" and insert the word "of;" which was agreed to.

Also, on line 8, Section 4, printed Bill, strike out the word "to" and insert the word "shall;" which was agreed to.

Also, on line 4, Section 5, printed Bill, after the word "boundaries" strike out the words "as large creeks, etc.;" which was agreed to.

Also, on line 6, Section 5, printed Bill, strike out the words "the limit," and insert the words "this limitation of area;" which was agreed to.

Also, strike out on line 9, Section 5, printed Bill, the word "issuance" and insert the word "issue;" which was agreed to.

Also, on line 14, Section 5, printed Bill, between the words "division" and "and," insert the words "of the Counties and school districts;" which was agreed to.

Also, on line 14, Section 5, printed Bill, strike out the word "to" and insert the word "shall;" which was agreed to.

Also, on line 7, Section 6, printed Bill, strike out the word "his" and insert the word "the;" which was agreed to.

Also, on line 9, Section 6, printed Bill, before the word "notify," insert the following words: "the officer or officers charged by law with making said apportionment shall;" which was agreed to.

Also, on line 9, Section 6, printed Bill, after the word "school" insert the word "district;" which was agreed to.

Also, on lines 9 and 10, Section 6, printed Bill, strike out the words "who shall be qualified voters and taxpayers of the school district, districts;" which was agreed to.

Also, on line 12, Section 6, printed Bill, after the word "selected" insert the following words: "from the qualified voters and taxpayers therein;" which was agreed to.

Also, on line 21, Section 6, printed Bill, change the word "Board" to "Boards;" which was agreed to.

Also, on line 32, Section 6, printed Bill, after the word "Counties" insert the following words: "in proportion to the respective deficiencies therein;" which was agreed to.

Also, on line 35, Section 6, printed Bill, change the word "Board" to "Boards;" which was agreed to.

Also, at the end of Section 6, add the following words: "Any school district may by authority of the General Assembly levy an additional tax for the support of its schools;" which was agreed to.

Also, on line 3, Section 7, printed Bill, strike out the word "opposite" and insert the word "other" in lieu thereof;" which was agreed to.

Also, on line 6, Section 8, printed Bill, strike out the words "National Government" and insert the words "Congress of the United States;" which was agreed to.

Also, on line 8, Section 8, printed Bill, strike out the words "divorce entirely" and insert the words "wholly separate;" which was agreed to.

Also, amend by making Section 4 Section 2, Section 2 Section 3, Section 3 Section 4; which was agreed to.

Section 9. Mr. BARKER moved to amend as follows: By adding on line 6, after the word "organization," the following: "*Provided*, Nothing shall interfere with or affect the existing or any future arrangement or agreement of the city of Charleston as to the Charleston Orphan House and the Catholic Orphan Asylum."

Mr. BARKER spoke in support of his amendment.

Debate continued by Messrs. Moore and W. D. Evans.

On motion of Mr. W. D. EVANS, the amendment was laid on the table.

Mr. W. D. EVANS moved to amend same Section, line 5, by inserting the word "hospital" between the words "school" and "Orphan House;" which was agreed to.

Mr. E. J. KENNEDY moved to amend Section 12 as follows:

Amend Section 12 by adding to the end of the Section the following: Also all waste and unappropriated lands belonging to the State, which terms shall include marsh and tide water lands, but not the phosphate royalty or phosphate deposits, and the income to be derived from said lands by leasing them shall be set apart and be and remain forever a perpetual school fund for the support of the public schools of this State. All funds to be derived from the sale of the aforesaid lands, if the General Assembly should ever deem it advantageous to sell the same, shall be securely invested, and the interest alone shall be appropriated, and all the income to be derived from said lands shall be applied in aid of the supplementary tax provided for in the 6th Section of this Article; and if after said application there shall be a surplus it shall be apportioned as the General Assembly shall prescribe.

Mr. ROGERS moved to lay the amendment on the table; which was agreed to.

Section 4. Mr. W. J. MONTGOMERY moved to amend as follows: By striking out on line 2 the word "four" and inserting the words "not exceeding seven;" which was agreed to.

Also, to amend line 7 by striking out all after "law" and inserting the words "the traveling expenses for the persons to be appointed shall be provided for by the General Assembly;" which was agreed to.

Also, Section 6, amend on line 7: after the word "the" strike out the word "number" and insert the words "average attendance."

Mr. MONTGOMERY spoke in favor of his amendment.

Debate continued by Mr. Jeremiah Smith.

Mr. STANYARNE WILSON moved to lay the amendment on the table; which was agreed to.

Section 8. Mr. B. R. TILLMAN moved to amend as follows: Insert "shall" for "may" on line 1.

Also, strike out the words "of Clemson Agricultural College and the State University as now established by law."

Also, on line 1, after the word "maintenance" insert the words "of the Winthrop Normal and Industrial College of South Carolina."

Also, strike out the word "therein" on line 3 and insert after the word "scholarship" the words "in the various institutions of higher education supported by the State."

Mr. B. R. TILLMAN spoke in support of his amendments.

Debate was continued by Messrs. Buist, W. B. Wilson and Watson.

Mr. PATTON moved the following substitute for the amendments proposed by Mr. B. R. Tillman: Strike out "may" on line 1 and insert the word "shall" in lieu thereof.

Mr. PATTON spoke in favor of the proposed substitute.

Debate was continued by Messrs. George Johnstone and W. C. Smith.

Mr. ROGERS offered the following amendment to the substitute of Mr. Patton:

Section 8, insert in line 3 after the word "therein" the words "*Provided*, That the General Assembly shall in no year appropriate for these institutions an amount in excess of one-sixth of the sum expended during the same year for the common free schools of the State."

Mr. PATTON accepted the amendment.

Debate continued by Messrs. W. J. Montgomery and Bryan.

The question being upon the substitute of Mr. Patton,

The question being put: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 49; nays, 65.

Those who voted in the affirmative are:

Yeas—Hon. John Gary Evans, President, and Messrs. Aldrich, Anderson, Ashe, Atkinson, Barker, Bellinger, J. S. Brice, Bryan, Buist, Cantey, Clayton, Efird, Farrow, Fitch, Fraser, Gamble, Gary, Gunter, D. S. Henderson, Hutson, George Johnstone, Wilie Jones, Keitt, Lee, McGowan, McKagen, Meares, Miller, Mitchell, Moore, Mower, Nash, Nathans, Nicholson, Patterson, Patton, I. R. Reed,

Rogers, Sheppard, Sloan, Smalls, Von Kolnitz, Wells, Whipper, A. H. White, Stanyarne Wilson, W. B. Wilson, and Woodward.—49.

Those who voted in the negative are :

Nays—Messrs. Alexander, Austin, Barry, Barton, Behre, Bowen, Bowman, Breazeale, T. W. Brice, Burn, Carver, Connor, Cooper, DeHay, Dennis, Derham, Douglass, Doyle, Dudley, W. D. Evans, Field, Floyd, Gage, J. L. Glenn, Gooding, Hamel, Harris, Hemphill, Wm. Henderson, Henry, Hiers, Houser, T. E. Johnson, Ira B. Jones, E. J. Kennedy, J. W. Kennedy, Klugh, Lowman, Lybrand, McDermotte, McMakin, W. J. Montgomery, Murray, Otts, Parler, Parrott, Prince, Rosborough, Rowland, Russell, Shuler, Sligh, A. J. Smith, Jeremiah Smith, R. F. Smith, W. C. Smith, Smoak, Talbert, Taylor, B. R. Tillman, G. D. Tillman, Timmerman, Waters, Watson, and Wharton.—65.

PAIRS.

Mr. PEAKE stated that he was paired with Mr. McCalla, otherwise he would vote "no."

Mr. HARRISON stated that he was paired with Mr. Jervey, otherwise he would vote "no."

Mr. WINKLER stated that he was paired with Mr. Oliver, otherwise he would vote "no."

Mr. McMAHAN stated that he was paired with Mr. Haynsworth, otherwise he would vote "aye."

Mr. McWHITE stated that he was paired with Mr. McCown, otherwise he would vote "aye."

Mr. BATES stated that he was paired with Mr. Gilland, otherwise he would vote "no."

Mr. GRAHAM stated that he was paired with Mr. Dent, otherwise he would vote "no."

Mr. HOWELL stated that he was paired with Mr. Sullivan, otherwise he would vote "aye."

Mr. McCASLAN stated that he was paired with Mr. Morrison, otherwise he would vote "aye."

REASONS FOR VOTING.

On this amendment I vote "no" for the reason that the provision for the common schools is wholly insufficient to provide for the needs of our people. I had hoped proper provision would have been made for common school education, and if it had been done I would with pleasure have voted to make the support of all the higher institutions of learning mandatory.

E. J. KENNEDY.

The question recurring upon the amendment proposed by Mr. B. R. Tillman,

The question being put: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 39; nays, 79.

Those who voted in the affirmative are:

Yeas—Hon. John Gary Evans, President, and Messrs. Aldrich, Anderson, Ashe, Barton, Behre, Bellinger, Breazeale, J. S. Brice, Bryan, Buist, Cantey, Clayton, Cooper, Efird, W. D. Evans, Garris, Gary, Graham, Gunter, Hiers, Keitt, Lowman, McCaslan, McKagen, Meares, Mitchell, Moore, Nash, Patterson, Rosborough, Russell, Sheppard, B. R. Tillman, G. D. Tillman, Timmerman, Wharton, A. H. White, Stanyarne Wilson, and W. B. Wilson.—39.

Those who voted in the negative are:

Nays—Messrs. Alexander, Atkinson, Austin, Barker, Barry, Bowen, Bowman, T. W. Brice, Burn, Carver, Connor, DeHay, Dennis, Derham, Douglass, Doyle, Dudley, Farrow, Field, Fitch, Floyd, Fraser, Gage, Gamble, Gooding, Hamel, Harris, Harrison, Hemphill, D. S. Henderson, Wm. Henderson, Henry, Houser, Hutson, T. E. Johnson, George Johnstone, Ira B. Jones, Wilie Jones, E. J. Kennedy, J. W. Kennedy, Klugh, Lee, Lybrand, McDermotte, McGowan, McMahan, McMakin, Miller, W. J. Montgomery, Mower, Murray, Nathans, Nicholson, Otts, Parrott, Patton, Peake, Prince, Rogers, Rowland, Shuler, Sligh, Sloan, Smalls, A. J. Smith, Jeremiah Smith, R. F. Smith, W. C. Smith, Smoak, Talbert, Taylor, Von Kolnitz, Waters, Watson, Wells, Whipper, Wiggins, Winkler, and Woodward.—79.

Mr. OTTS moved to reconsider the vote whereby the Convention rejected the amendment of Mr. Tillman, and to lay that motion on the table; which was agreed to.

PAIRS.

Mr. BATES stated that he was paired with Mr. Gilland, otherwise he would vote "no."

Mr. HOWELL stated that he was paired with Mr. Sullivan, otherwise he would vote "aye."

Mr. McWHITE stated that he was paired with Mr. McCown, otherwise he would vote "aye."

Mr. GLENN stated that he was paired with Mr. S. E. White, otherwise he would vote "no."

REASONS FOR VOTING.

We vote "no," not that we oppose the placing of the Winthrop School beyond danger, but because we fear that such a measure would tend to imperil the support of the other institutions of higher education.

H. C. PATTON,
WILIE JONES.

I vote "no" because I believe it inconsistent to discriminate between the State institutions.

S. W. GAMBLE.

Mr. BUIST moved to amend Section 8, line 2, by inserting after the words "South Carolina" the words "and the Winthrop Normal and Industrial College."

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows:

Yeas, 83; nays, 33.

Those who voted in the affirmative are:

Yeas—Hon. John Gary Evans, President, and Messrs. Aldrich, Anderson, Ashe, Atkinson, Austin, Barton, Bellinger, Bowen, Bowman, Breazeale, T. W. Brice, Bryan, Buist, Burn, Cantey, Clayton, Connor, Cooper, Derham, Douglass, Doyle, Efird, W. D. Evans, Field, Floyd, Gage, Garris, Gary, J. L. Glenn, Graham, Gunter, Hamel, Henry, Hiers, Houser, T. E. Johnson, Ira B. Jones, Keitt, E. J. Kennedy, J. W. Kennedy, Lee, Lowman, McCaslan, McDermotte, McGowan, McKagen, McWhite, Meares, Miller, Mitchell, J. D. Montgomery, W. J. Montgomery, Moore, Mower, Nash, Parler, Patterson, Peake, Prince, I. R. Reed, Rogers, Rosborough, Rowland, Russell, Sheppard, Sligh, Smalls, A. J. Smith, Jeremiah Smith, R. F. Smith, B. R. Tillman, G. D. Tillman, Timmerman, Waters, Wells, Wharton, A. H. White, Wiggins, Stanyarne Wilson, W. B. Wilson, Winkler, and Woodward.—83.

Those who voted in the negative are:

Nays—Messrs. Alexander, Barker, Barry, Carver, DeHay, Dennis, Dudley, Farrow, Fitch, Fraser, Gamble, Harris, Harrison, Hemphill, D. S. Henderson, Wm. Henderson, Howell, Hutson, George Johnstone, Klugh, Lybrand, McMahan, McMakin, Murray, Nathans, Otts, Shuler, Sloan, Smoak, Talbert, Taylor, Von Kolnitz, and Watson.—33.

REASONS FOR VOTING.

I am a warm supporter of Winthrop, but I vote against Mr. Tillman's amendment because I think this Convention should not discriminate among

the existing State colleges, which have been successively established by the people after the issue had been fairly before them; and I vote against Mr. Buist's motion because Winthrop is now a branch of the University of South Carolina, and to name it separately is legally surplusage but practically a discrimination against the Citadel.

JOHN J. McMAHAN.

Mr. BEHRE moved to amend as follows:

Section 15. The General Assembly shall enact at its next session such laws as shall provide for the purchase of such maps, books and charts as may be necessary for the furnishing of the free common schools with books for the use of the pupils of such schools: *Provided*, That such purchase shall not exceed the sum of five-tenths of a mill (half mill) in any County, and that such portion of the school tax shall be used as long as there may be considered a necessity for its use in any County."

On motion of Mr. BOWMAN, the amendment was laid on the table.

Mr. MOWER moved to amend Section 5, line 8, by striking out the word "nine" and inserting the word "four."

Mr. BOWMAN moved to lay the amendment on the table; which was agreed to.

Section 6. Mr. EFIRD moved to amend Section 6, line 39, by adding the words: "The General Assembly shall define enrollment;" which was agreed to.

Section 6. Mr. J. D. MONTGOMERY moved to amend as follows: On line 17, insert after the word "years" the words "excepting Confederate soldiers above the age of fifty years;" which was agreed to.

The Article as amended was read the third time, adopted and ordered referred to the Committee on Order, Style and Revision.

Mr. W. B. WILSON moved to reconsider the vote whereby Calendar No. 30, report of the Committee on Corporations, was adopted and ordered referred to the Committee on Order, Style and Revision; which was agreed to.

Mr. W. B. WILSON moved to amend Section 5 by striking out all after the word "persons" on line 4 down to the word "persons" on line 8; which was agreed to.

The Article as amended was read the third time and ordered referred to the Committee on Order, Style and Revision.

REPORT OF STANDING COMMITTEE.

Mr. W. J. MONTGOMERY submitted the following report:

The Committee on Engrossed Resolutions and Ordinances, to whom was referred an ordinance (No. 57) to authorize the General Assembly

to provide for a sinking fund in the several Counties of the State to enable the same to do business on a cash basis, beg leave to report that the same has been correctly engrossed and revised.

W. J. MONTGOMERY.
For Committee.

Received as information.

On motion of Mr. STANYARNE WILSON, the Convention, at 11 P. M., adjourned until 9:30 A. M. to-morrow.

FIFTY-SEVENTH DAY.

Tuesday, November 26, 1895.

The Convention assembled at 9:30 A. M.

The Secretary called the roll.

Vice President TALBERT took the chair.

A quorum being present, the deliberations were opened with prayer by the Rev. J. C. ABNEY.

The Journal of yesterday's proceedings was read and confirmed.

LEAVE OF ABSENCE.

Indefinite leave was granted to Mr. Gilland; to Mr. Talbert on account of business; to Mr. Cunningham on account of sickness in his family; to Mr. Watson on account of sickness in his family; and until Monday to Messrs. Dennis and DeHay.

RESOLUTIONS.

Mr. ALDRICH offered the following, which was considered immediately:

Resolved, That N. H. Stansell, Sergeant-at-Arms, be allowed one dollar per day for the session of this Convention in addition to the amount already

provided for by ordinance, and that S. W. Vance, Secretary, be allowed the sum of $200 in addition to amount already provided for by ordinance, said sums of money to be paid out of funds appropriated to defray the expenses of this Convention.

On motion of Mr. BOWMAN, the resolution was laid on the table.

Mr. FRASER submitted the following:

Resolved, That the Committee on Order, Style and Revision be empowered to call to their assistance such clerks as they deem necessary, who shall be paid at the rate of four dollars per day for the time employed, and that the Public Printer do such printing as is required by such Committee.

Resolved, further, That this Committee have leave to sit during any recess of this Convention that may be ordered.

Which was agreed to.

Mr. B. R. TILLMAN asked that he be excused from further serving on the Committee on Order, Style and Revision; which was agreed to.

Also, that Mr. J. C. Sheppard be substituted in his stead as a member of that Committee; which was agreed to.

No. 10, report of Committee on Legislative Department, (Mr. Sligh for Committee).

Section 29. Mr. SLIGH moved to amend by adding after the word "claimed," line 12, the words "set off and recorded;" which was agreed to.

Mr. HOWELL moved to amend Section 29 by striking out the words "and no waiver, mortgage or other lien shall be permitted to defeat the exemption in lands after the homestead has been claimed, set off and recorded."

Mr. HOWELL spoke in support of his amendment.

Debate continued by Messrs. Burn, Sheppard, B. R. Tillman and William Henderson.

The question being put: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows:

Yeas, 62; nays, 48.

Those who voted in the affirmative are:

Yeas—Messrs. Anderson, Atkinson, Austin, Barton, Behre, Bellinger, J. S. Brice, T. W. Brice, Bryan, Cooper, DeHay, Dennis, Doyle, Efird, Estridge, Farrow, Fitch, Fraser, Garris, J. L. Glenn, Gooding, Gunter, Hamel, Hemphill, D. S. Henderson, Wm. Henderson, Hiers, Howell, Hutson, T. E. Johnson, Ira B. Jones, Wilie Jones, E. J. Kennedy, Klugh, Lee, McGowan, McMakin, Meares, Miller,

Mower, Murray, Nathans, Nicholson, Patton, Peake, Prince, J. H. Read, I. R. Reed, Rogers, Rosborough, Sloan, Smalls, Smoak, Talbert, Taylor, Wells, A. H. White, S. E. White, Wiggins, Stanyarne Wilson, W. B. Wilson, and Winkler.—62.

Those who voted in negative are :

Nays—Messrs. Aldrich, Alexander, Ashe, Barker, Barry, Bates, Berry, Bowen, Bradham, Breazeale, Buist, Burn, Cantey, Carver, Connor, Douglass, Field, Gage, Gamble, Graham, Harris, Harrison, Henry, George Johnstone, Keitt, J. W. Kennedy, Lowman, Lybrand, McCown, McKagen, McMahan, McWhite, Mitchell, J. D. Montgomery, W. J. Montgomery, Otts, Parrott, Rowland, Russell, Shuler, Singletary, Sligh, Jeremiah Smith, B. R. Tillman, G. D. Tillman, Von Kolnitz, Waters, and Woodward.—48.

PAIRS.

Mr. CLAYTON stated that he was paired with Mr. Stribling, otherwise he would vote "no."

Mr. GARY stated that he was paired with Mr. Redfearn, otherwise he would vote "no."

Mr. HOUSER stated that he was paired with Mr. Gilland, otherwise he would vote "no."

Mr. McDERMOTTE stated that he was paired with Mr. Parler, otherwise he would vote "no."

Mr. McCASLAN stated that he was paired with Mr. Sheppard, otherwise he would vote "no."

Mr. A. J. SMITH stated that he was paired with Mr. R. F. Smith, otherwise he would vote "no."

Mr. MOORE stated that he was paired with Mr. Dudley, otherwise he would vote "no."

Mr. HOWELL moved to reconsider the vote whereby the Convention agreed to strike out, and to lay that motion on the table : which was agreed to.

Mr. CLAYTON moved to amend by adding to end of Section 29 : "*Provided,* That upon sale under foreclosure proceedings the homestead must bring the amount for which it was appraised or the sale shall be void."

After debate by Messrs. Clayton and D. S. Henderson,

Mr. D. S. HENDERSON moved to lay the amendment on the table ; which was agreed to.

Mr. SHEPPARD arose to a question of privilege, and said :

MR. PRESIDENT: When the vote was taken upon the Homestead Section I was absent from the hall. A friend has kindly said to me that my absence

was noticed and commented upon, inasmuch as I had participated in the debate, hence I desire to explain my absence.

The Supreme Court convened this morning for the Fifth Circuit; an important case in which I am engaged is the first case on the calendar; as soon as I finished my remarks I went down to the Supreme Court room to ask the Court to excuse me from attendance to-day, but before I left the hall I took the pains to "pair" upon the question then before the Convention.

This statement is made in justice to myself, in order that no gentleman may suspect that I was avoiding the responsibility of voting upon this question.

Mr. McWHITE moved to amend as follows: Strike out Section 29.

After debate by Messrs. McWhite, Aldrich, Sligh, Howell, George Johnstone, Jeremiah Smith and McMahan,

The question being put: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeys, 11; nays, 112.

Those who voted in the affirmation are:

Yeas—Messrs. Burn, Harris, Lybrand, McMahan, McWhite, J. D. Montgomery, W. J. Montgomery, Russell, Shuler, Taylor, and B. R. Tillman.—11.

Those who voted in the negative are:

Nays—Messrs. Aldrich, Alexander, Anderson, Ashe, Atkinson, Austin, Barker, Barry, Barton, Bates, Behre, Bellinger, Berry, Bowen, Bradham, Breazeale, J. S. Brice, T. W. Brice, Bryan, Buist, Cantey, Carver, Clayton, Connor, Cooper, DeHay, Dennis, Derham, Douglass, Doyle, Efird, Ellerbe, Estridge, W. D. Evans, Farrow, Field, Fitch, Floyd, Fraser, Gage, Gamble, Garris, Gary, J. L. Glenn, J. P. Glenn, Gooding, Graham, Gunter, Hamel, Harrison, Hemphill, D. S. Henderson, Wm. Henderson, Henry, Hiers, Houser, Howell, Hutson, T. E. Johnson, George Johnstone, Ira B. Jones, Wilie Jones, Keitt, E. J. Kennedy, J. W. Kennedy, Klugh, Lee, Lowman, McCaslan, McCown, McDermotte, McGowan, McKagen, McMakin, Meares, Miller, Mitchell, Mower, Murray, Nathans, Nicholson, Otts, Parrott, Patterson, Peake, Prince, J. H. Read, I. R. Reed, Rogers, Rosborough, Rowland, Sheppard, Singletary, Sligh, Sloan, A. J. Smith, Jeremiah Smith, W. C. Smith, Smoak, Talbert, G. D. Tillman, Timmerman, Waters, Wells, Whipper, A. H. White, S. E. White, Wiggins, Stanyarne Wilson, W. B. Wilson, Winkler, and Woodward.—112.

Mr. B. R. TILLMAN moved to amend as follows: Insert on line 12, after the word "*Provided*": "That the head of the family to whom a

homestead has been set apart shall not have the right to alienate it without the consent of the persons dependent on him or her."

Mr. W. B. WILSON offered the following substitute for Mr. B. R. Tillman's amendment: "Add after the word 'homestead,' near the end of line 28, the words '*Provided, further,* That after a homestead in lands has been set off and recorded, the same shall not be waived by deed of conveyance, mortgage or otherwise, unless the same be executed by both husband and wife, if both be living;'" which was agreed to.

Mr. ROGERS moved to amend Section 29 as follows: "Strike out lines 29, 30 and 31, and the words '*Provided, further.*'"

The question being put, the amendment was rejected.

Mr. PRINCE moved to amend the same Section as follows: "Strike out on lines 30 and 31 the words 'personal property' and insert the words 'tools and implements of trade;'" which was agreed to.

Section 29 was adopted as amended.

Mr. STANYARNE WILSON moved to reconsider the vote whereby Section 29 was adopted, and to lay that motion on the table; which was agreed to.

Section 34. Mr. SLIGH moved to strike out lines 3 and 4; which was agreed to.

The Section as amended was adopted.

Mr. D. S. HENDERSON moved to amend lines 2 and 3, Section 36, by striking out the words "foreign citizen" and inserting "alien" wherever the same occurs.

Mr. McMAHAN offered the following as a substitute for the amendment of Mr. D. S. Henderson: On line 1, Section —, add "36;" on line 2 strike out "foreign citizen" and insert "alien;" on line 3 strike out the words "composed of" and insert the words "controlled by."

After debate by Messrs. McMahan and D. S. Henderson,

Mr. D. S. HENDERSON moved to lay the substitute on the table.

The question being put, the motion was agreed to.

The question recurring to the adoption of the amendment offered by Mr. D. S. Henderson, the amendment was adopted.

Mr. SHEPPARD moved to strike out the word "such," on line 1, same Section; which was agreed to.

Mr. W. B. WILSON moved to amend the same Section, line 3, as follows: Strike out the words "composed of" and insert the words "controlled by;" which was agreed to.

Mr. JEREMIAH SMITH moved to strike out the 38th Section of the Article.

After debate by Messrs. Jeremiah Smith, Doyle, Patterson, Sligh, Bowman, Clayton and Aldrich,

Mr. DOYLE moved to amend by inserting after the word "total," on line 1, the word "official;" which was agreed to.

The question being put upon the motion of Mr. JEREMIAH SMITH to strike out Section 38: "Will the Convention agree thereto?" it was decided in the affirmative.

The yeas and nays were requested and are as follows:

Yeas, 66; nays, 46.

Those who voted in the affirmative are:

Yeas—Messrs. Aldrich, Barker, Barry, Bates, Behre, Bellinger, Bowman, Bradham, Breazeale, J. S. Brice, Bryan, Clayton, Connor, Douglass, Dudley, W. D. Evans, Farrow, Floyd, Fraser, Gamble, Gary, Gunter, Harrison, Hemphill, D. S. Henderson, Henry, Howell, Hutson, T. E. Johnson, Ira B Jones, Wilie Jones, E. J. Kennedy, J. W. Kennedy, Klugh, Lee, Lowman, McCown, McDermotte, McGowan, McKagen, McMahan, Meares, J. D. Montgomery, W. J. Montgomery, Moore, Mower, Nash, Nicholson, Patterson, Patton, Peake, Perritte, Prince, Rogers, Sheppard, Sloan, Jeremiah Smith, W. C. Smith, Stackhouse, B. R. Tillman, G. D. Tillman, Von Kolnitz, Waters, Wiggins, Winkler, and Woodward.—66.

Nays—Messrs. Alexander, Anderson, Ashe, Atkinson, Austin, Barton, Berry, Bowen, Buist, Burn, Cantey, Carver, Derham, Doyle, Efird, Ellerbe, Estridge, Field, Gage, Graham, Hamel, Harris, Hiers, George Johnstone, Keitt, Lybrand, McCaslan, McWhite, Miller, Otts, Parrott, Rowland, Shuler, Sligh, Smalls, A. J. Smith, Smoak, Talbert, Taylor, Timmerman, Whipper, A. H. White, S. E. White, Wigg, Stanyarne Wilson, and W. B. Wilson.—46.

PAIRS.

Mr. COOPER stated that he was paired with Mr. Stribling, otherwise he would vote "aye."

Mr. GLENN stated that he was paired with Mr. R. F. Smith, otherwise he would vote "aye."

Mr. GARRIS stated that he was paired with Mr. Parler, otherwise he would vote "aye."

REASON FOR VOTING.

I vote against striking out the last Section in the Legislative Article (with reference to costs) because I am opposed to costs, and I think the passage of this Section will lead to the abolition of costs.

GEO. W. GAGE.

Mr. PATTERSON moved to reconsider the vote whereby the Convention agreed to strike out Section 38, and to lay that motion on the table ; which was agreed to.

Mr. STANYARNE WILSON moved to amend by adding a Section to be known as—

Section —. The General Assembly, at its first session after the adoption of this Constitution, shall create and provide for the establishment and maintenance of a Bureau of Industrial Immigration and Labor Statistics, which shall be under the charge of a Commissioner who shall be appointed by the Governor, by and with the advice and consent of the Senate, and it shall also prescribe his term of office, powers, duties and compensation ; and succeeding General Assemblies shall provide for the continued maintenance thereof, with powers of amending such original Act and amendments thereof.

After debate by Messrs. Stanyarne Wilson, Aldrich, McCaslan, Buist, and G. D. Tillman,

Mr. SHEPPARD moved to lay the proposed Section on the table.

The question being put : " Will the Convention agree thereto ?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows :

Yeas, 87 ; nays 24.

Those who voted in the affirmative are :

Yeas—Messrs. Alexander, Anderson, Ashe, Atkinson, Austin, Barker, Barton, Bellinger, Berry, Bowen, Bowman, Bradham, Breazeale, J. S. Brice, Bryan, Cantey, Connor, Cooper, DeHay, Dennis, Douglass, Doyle, Dudley, Efird, Ellerbe, Estridge, W. D. Evans, Farrow, Field, Floyd, Fraser, Gage, Gary, J. L. Glenn, J. P. Glenn, Gooding, Graham, Gunter, Hamel, Harris, Harrison, Hemphill, D. S. Henderson, Henry, Howell, Hutson, George Johnstone, Ira B. Jones, E. J. Kennedy, J. W. Kennedy, Klugh, Lee, Lowman, Lybrand, McCaslan, McCown, McGowan, McKagen, McMakin, McWhite, Miller, Mitchell, W. J. Montgomery, Nash, Nathans, Perritte, Prince, Rogers, Russell, Sheppard, Shuler, Smalls, A. J. Smith, Jeremiah Smith, W. C. Smith, Smoak, Stackhouse, Taylor, B. R. Tillman, G. D. Tillman, Wells, A. H. White, S. E. White, Wigg, Wiggins, Winkler, and Woodward.—87.

Those who voted in the negative are :

Nays—Messrs. Aldrich, Barry, Buist, Burn, Carver, T. E. Johnson, Wilie Jones, McMahan, Meares, J. D. Montgomery, Mower, Nicholson, Otts, Patterson, Patton, Peake, Rosborough, Rowland, Sligh, Sloan, Talbert, Timmerman, Stanyarne Wilson, and W. B. Wilson.—24.

Mr. IRA B. JONES moved to reconsider the vote whereby Section 18 was adopted ; which was agreed to.

Section 18. Mr. IRA B. JONES moved to amend as follows : On line 1 insert after the word "Bill" the words or "Joint Resolution ;" which was agreed to.

Also, by adding to the end of the Section the following words : "*Provided*, That either branch of the General Assembly may provide by rule for the first and third reading of any Bill or Joint Resolution by its title only."

After debate by Messrs. Ira B. Jones, George Johnstone and Sheppard,

Mr. GEORGE JOHNSTONE moved to lay the amendment on the table.

The question being put, the Convention refused to lay on the table.

The amendment was then adopted.

Section 18 was then adopted as amended.

Mr. G. D. TILLMAN moved to reconsider the vote whereby Section 8 was adopted ; which was agreed to.

Section 8. Mr. G. D. TILLMAN moved to amend as follows : Insert after the word "provide," on line 3, the words "for representation every second year thereafter;" which was agreed to.

Also, after the word "and," same line, insert the words "for Senators ;" which was agreed to.

The Article having received three readings was adopted, and ordered referred to Committee on Order, Style and Revision.

No. 42, report of Committee on Judicial Department (Mr. Stanyarne Wilson for Committee).

Section 1. Mr. STANYARNE WILSON, for the Committee, moved to amend as follows : Strike out "them" on line 9 and insert "those voting ;" which was agreed to.

Also, Section 2, strike out on lines 3 and 4 the words "but the concurrence of three of the Justices shall still be necessary for a decision ;" which was agreed to.

Also, Section 6, lines 5 and 6, insert "Justices" for "Judges ;" which was agreed to.

Also, Section 9, line 1, strike out "the Judges of the Supreme Court and Circuit Courts" and insert the words "the Justices of the Supreme Court and Judges of the Circuit Court ;" which was agreed to.

Section 10, line 1, strike out the words "Judge of the Supreme Court or Circuit Courts" and insert the words "Chief Justice, Associate Justice or Judge of the Circuit Courts ;" which was agreed to.

Section 20, line 5, strike out the word "registration" and insert the word "regulations;" which was agreed to.

Section 22, line 9, strike out the word "men;" which was agreed to.

Section 25, line 4, insert after the word "Circuit" the word "Courts" instead of "Court," as it now reads; which was agreed to.

Section 12. Mr. HENDERSON moved to amend as follows: Strike out all of the Section after the word "retire" on line 22 and insert the words "and the Circuit Judges present shall determine by lot which of their number shall retire."

The Section as amended was adopted.

Section 1 was adopted as reported.

Section 2. Mr. KENNEDY moved to amend line 6 by striking out the word "eight" and inserting the word "six."

Mr. HUTSON moved to lay the amendment on the table; which was agreed to.

The Section was adopted.

Sections 3, 4, 5, 6, 7, 8, 9, 10 and 11 were adopted as amended.

Mr. BREAZEALE moved to amend by adding to the end of the Section the following words: "And should a new division of the Judicial Circuits be made shall be the Judges of the respective Circuits in which they shall reside of the said division;" which was agreed to.

The Section as amended was adopted.

Sections 14 and 15 were adopted as reported.

Section 16. Mr. J. D. MONTGOMERY moved the following as a substitute for Section 16:

The Court of Common Pleas shall sit in each County in this State at least three times in every year at such stated times and places as may be appointed by law. One of such sittings of said Court shall be for the hearing of causes not requiring a jury: *Provided*, That if the business of any County does not require three sittings the General Assembly may reduce the number.

ACCOUNTS.

Mr. HAMEL presented the following account, which was read the first time and referred to the Committee on Contingent Accounts and Expenses:

COLUMBIA, S. C., November, 1895.

CONSTITUTIONAL CONVENTION

1895. To R. L. BRYAN & Co., Dr.

Nov. 15.	2 gross rubber bands	$ 1 00
	Printing 500 No. 10 envelopes	2 50
	Printing 1,000 No. 6 envelopes	2 50
	Printing 100 note pads	10 50
16.	Printing 300 "ad" tickets	1 60
21.	Printing 1,000 envelopes, No. 6	2 50
22.	Printing 100 note pads	10 50
	Total	$31 10

The pending question being the proposed substitute of Mr. J. D. Montgomery, at 2 P. M. the Convention receded from business until 4 P. M. this day.

RECESS.

Vice President TALBERT resumed the chair.

LEAVES OF ABSENCE.

The following delegates were granted indefinite leave of absence : Messrs. Howell, Houser, Whipper, Perritte, J. P. Glenn, J. S. Brice, Nicholson, Bradham, Moore, Cooper and William Henderson.

UNFINISHED BUSINESS.

No. 42, report of the Committee on Judicial Department.

Section 16. The pending question being the substitute proposed by Mr. J. D. Montgomery and printed in the Journal of this morning.

After debate by Messrs. Bellinger, Hutson and Stanyarne Wilson,

Mr. STANYARNE WILSON moved to lay the substitute on the table ; which was agreed to.

The Section was then adopted.

Section 17 was adopted as reported.

Section 18. Mr. MEARES moved to amend as follows : Strike out all after the words "criminal cases," line 2, down to and including "Courts," on line 3, and insert "except those cases in which exclusive jurisdiction shall be given to inferior Courts, and in these it shall have appellate jurisdiction. It shall also have concurrent as well as appellate jurisdiction from the inferior Courts in all cases of riot, assault and battery, and larceny."

After debate by Messrs. Meares, Stanyarne Wilson, Sheppard, Aldrich and George Johnstone,

Mr. GEORGE JOHNSTONE moved to lay the proposed amendment on the table.

The question being put, the Convention refused to lay on the table.

The proposed amendment was then adopted.

Section 18 was adopted as amended.

Sections 19 and 20 were adopted as reported.

Section 21. Mr. MEARES moved to amend line 5 by inserting between the words "have and "jurisdiction" the word "exclusive;" which was agreed to.

The Section as amended was adopted.

Sections 22, 23, 24, 25, 26, 27, 29, 30, 31, 32, 33 were adopted as reported.

Section 34. Mr. BOWMAN moved to strike out the Section.

After debate by Messrs. Bowman, Timmerman, Patton, McGowan, B. R. Tillman and Aldrich,

The question being put: "Will the Convention agreed thereto?" it was decided in the affirmative.

The yeas and nays were requested, and are as follows:

Yeas, 54; nays, 47.

Those who voted in the affirmative are:

Yeas—Messrs. Aldrich, Alexander, Austin, Bates, Berry, Bowman, Breazeale. Buist, Burn, Cantey, Connor, Cooper, Dudley, Ellerbe, Estridge, Fitch, Fraser, Gage, J. P. Glenn, Hamel, Hiers, Hutson, George Johnstone, Klugh, Lee, Lowman, Lybrand, McCown, McDermotte, McGowan, McKagen, Meares, Mower, Murray, Nash, Otts, Parler, Parrott, Patterson, Patton, Perritte, J. H. Read, Rowland, Russell, Shuler, Jeremiah Smith, W. C. Smith, Smoak, G. D. Tillman, Von Kolnitz, Waters, Wells, S. E. White, and Woodward.—54.

Those who voted in the negative are:

Nays—Messrs. Anderson, Ashe, Atkinson, Barry, Barton, Bellinger, Bowen, J. S. Brice, Carver, Clayton, Douglass, Efird, W. D. Evans, Field, Gamble, Garris, Gary, J. L. Glenn, Gooding, Graham, Harrison, D. S. Henderson, Henry, T. E. Johnson, Ira B. Jones, Keitt, J. W. Kennedy, McCaslan, McMahan, McWhite, W. J. Montgomery, Nicholson, Peake, Rogers, Sloan, Smalls, A. J. Smith, Stackhouse, Talbert, Taylor, B. R. Tillman, Timmerman, Whipper, Wigg, Wiggins, Stanyarne Wilson, and Winkler.—47.

PAIRS.

Mr. SHEPPARD stated that he was paired with Mr. Bradham, otherwise he would vote "no."

Mr. PRINCE stated that he was paired with Mr. Sullivan, otherwise he would vote "aye."

Mr. MILLER stated that he was paired with Mr. Moore, otherwise he would vote "no."

Mr. T. W. BRICE stated that he was paired with Mr. Harris, otherwise he would vote "no."

Mr. BOWMAN moved to reconsider the vote whereby this Section was stricken out, and to lay that motion on the table; which was agreed to.

Section 35 was adopted as reported.

Mr. ALDRICH offered the following, to be known as Section 36 :

No decision of the Supreme Court of this State hereafter rendered which modifies or overrules a prior decision of said Court shall have any retroactive effect or injuriously affect any rights accruing under the law as laid down in such prior decision.

After debate by Messrs. Aldrich, Sheppard and George Johnstone,

Mr. SHEPPARD moved to lay the amendment on the table ; which was agreed to.

The Article having received three readings was adopted and ordered referred to the Committee on Order, Style and Revision.

No. 67, Judicial Department, reporting Schedule.

Section 1. Mr. FRASER moved to amend as follows, to be added at the end of the Section : "All ordinances passed and ratified at this Convention shall have the same force and effect as if included in and constituting a part of this Constitution ;" which was agreed to.

Also, to be known as Section 7 :

At all elections held for members of the General Assembly in case of a vacancy, or for any other office, State, County, or municipal, the qualification of electors shall remain as they were under the Constitution of 1868 until the first day of November, 1896, A. D.

Which was agreed to.

Section 8. Mr. STANYARNE WILSON moved to fill the blanks at end of Section 8 by inserting the words "31st of December ;" which was agreed to.

Mr. ALDRICH moved to amend Section 1 by adding after the words "General Assembly" on line 6 the words "or expire by their own limitation;" which was agreed to.

Mr. GEORGE JOHNSTONE moved to amend as follows : Insert after the word "State" on line 4, Section 1, the words "and constitutional when enacted;" which was agreed to.

Mr. STANYARNE WILSON moved to amend as follows, to be known as Section 9 :

The provisions of the Constitution of 1868 and amendments thereto are repealed by this Constitution, except where reordained and declared herein.

Which was agreed to.

The Article having received three readings was adopted and ordered referred to the Committee on Order, Style and Revision.

No. 34, an Article relating to the Declaration of Rights, was read the third time and adopted, and ordered referred to the Committee on Order, Style and Revision.

Mr. STANYARNE WILSON moved to reconsider the vote whereby the Article was read the third time and adopted, and to lay that motion on the table; which was agreed to.

No. 70, a resolution in regard to paying the State Printer, was read the third time and adopted, and ordered to be referred to the Committee on Order, Style and Revision.

No. 57, an ordinance to authorize the General Assembly to provide for a sinking fund in the several Counties of the State, to enable the same to do business on a cash basis. (Mr. Connor.)

Mr. ROGERS moved to amend by striking out "may" on line 1, Section 1, and insert "shall."

The question being put: "Will the Convention agree thereto?" it was decided in the negative.

The yeas and nays were requested, and are as follows:

Yeas, 45; nays, 46.

Those who voted in the affirmative are:

Yeas—Messrs. Aldrich, Anderson, Barry, Berry, Bowman, Breazeale, Bryan, Clayton, Connor, Dudley, Efird, Gamble, Gooding, Graham, Gunter, Harrison, D. S. Henderson, Henry, Hutson, George Johnstone, Klugh, Lowman, McCaslan, McCown, McKagen, McMahan, McWhite, Miller, W. J. Montgomery, Mower, Parler, Prince, I. R. Reed, Rogers, Russell, Singletary, Sloan, Smalls, A. J. Smith, Smoak, Stackhouse, B. R. Tillman, G. D. Tillman, S. E. White, and Wigg.—45.

Nays—Messrs. Alexander, Ashe, Atkinson, Austin, Barton, Bates, Bowen, Buist, Burn, Carver, Douglass, Ellerbe, Estridge, W. D. Evans, Field, Fraser, Gage, J. P. Glenn, Hamel, Hiers, T. E. Johnson, Ira B. Jones, Keitt, J. W. Kennedy, Lee, Lybrand, Meares, Murray, Nash, Nicholson, Otts, Perritte, J. H. Read, Rowland, Shuler, Jeremiah Smith, Talbert, Taylor, Von Kolnitz, Waters, Wells, Whipper, Wiggins, Stanyarne Wilson, Winkler, and Woodward.—46.

The ordinance having received three readings was adopted and ordered referred to the Committee on Order, Style and Revision.

No. 59, an ordinance to provide an alphabetical index and marginal notes to the Constitution and ordinances of the Constitutional Convention of 1895 (Mr. Dudley) was read the third time, adopted and referred to the Committee on Order, Style and Revision.

PAIRS.

Mr. COOPER stated that he was paired with Mr. McGowan, otherwise he would vote "no."

Mr. GARRIS stated that he was paired with Mr. Gary, otherwise he would vote "no."

No. 71, an ordinance to provide for the pay of Commissioners and Managers of Election (Mr. Henry), was read the third time and adopted, and ordered referred to the Committee on Order, Style and Revision.

No. 50, report of the Committee on Finance and Taxation on a resolution requiring that all expenses of the Court of General Sessions for each County be paid by the State. (Report unfavorable, Mr. W. D. Evans for Committee.)

Mr. ESTRIDGE, the author of the resolution, asked and obtained permission to withdraw the same from the files of the Convention.

The Committee on Contingent Accounts submitted the following reports:

The Committee on Contingent Accounts, to whom was referred the account of Mr. W. H. Macfeat for $25, beg leave to report that they have carefully examined the same and recommend that the same be paid.

R. L. GUNTER,
For Committee.

On motion of Mr. ELLERBE, the report was laid on the table.

The Committee on Contingent Accounts and Expenses, to whom was referred the account of N. H. Stansell, Sergeant-at-Arms of Convention, for $174.78, beg leave to report that they have carefully examined the same and recommend that the sum of $51 be deducted from the same, and that he be paid the sum of $123.78.

R. L. GUNTER,
For Committee.

STATE OF SOUTH CAROLINA,

To N. H. STANSELL, *Sergeant-at-Arms of Convention*, DR.

To 10 days before Convention met, @ $5.00 per day	$ 50 00
To 7 days after, in cleaning up hall, @ $5.00 per day	35 00
To 10 days for two laborers before Convention met, @ $1.50 per day	30 00
To 2 laborers, 7 days after Convention, @ $1.50 per day	21 00
To J. M. Bateman, account	12 95
To F. W. Husemann, account	11 50
To M. McDonald, account	85
To J. C. Stanley & Bro., account	1 85
To Rhodes & VanMetre, account	75
To Rhodes & VanMetre, account	2 00
To Rhodes & VanMetre, account	50
To E. L. Lynch	50
	$ 166 90
To J. L. Mimnaugh & Co.	7 88
	$ 174 78
Less	51 00
	$ 123 78

W. H. STANSELL,
Sergeant-at-Arms of Convention.

The report was considered immediately, agreed to, and amount recommended by the Committee ordered paid.

The Committee on Contingent Accounts submitted the following report:

The Committee on Contingent Accounts and Expenses, to whom was referred the resolutions of Mr. McWhite and Mr. Austin in reference to pay of Managers, Commissioners and clerks of election of delegates to Constitutional Convention held August 1895, respectfully report that they be referred to the next meeting of the Legislature for such action as they think proper, because the Act calling this Convention forbids their being paid anything. W. T. FIELD, Chairman.

On motion of Mr. A. J. SMITH, the report was laid on the table.

REPORT OF THE COMMITTEE ON JUDICIAL DEPARTMENT.

The Committee on Judicial Department, to whom was referred the proposed ordinances and resolutions hereinafter mentioned, beg leave to report that they have carefully considered the same, and recommend that none of them be adopted. To-wit:

I. An ordinance relating to mechanics' liens, introduced by Mr. Oliver.

II. An ordinance to provide that the Constitution shall be submitted to the people to be ratified, introduced by Mr. Miller.

III. Proposed Article 3, introduced by Mr. Aldrich.

IV. Resolution in reference to the creation of Courts and jurisdiction thereof, introduced by Mr. Farrow.

V. Resolution amending Article 4 of the Constitution, introduced by Mr. Bowman.

VI. Resolution relating to the power of Judges to charge juries, introduced by Mr. Hutson.

VII. An ordinance to provide a Supreme Court and manner of election, introduced by Mr. Dudley.

VIII. Resolution creating the office of Probate Judge and defining his duties, introduced by Mr. Otts.

IX. Outline of judicial system, introduced by Mr. Stokes.

X. Resolution as to trial by jury, introduced by Mr Henderson.

XI. Resolution as to proposing Article 4, introduced by Mr. Clayton.

XII. An ordinance relating to Judicial Department, introduced by Mr. Mower.

XIII. Resolution as to Article 4, introduced by Mr. Fitch.

XIV. Resolution as to removal of causes, introduced by Mr. Sloan.

XV. An ordinance providing for the complete operation of this Constitution, introduced by Mr. Aldrich.

All of which is respectfully submitted.

STANYARNE WILSON,
For Committee.

The report was adopted.

RESOLUTION.

Mr. ELLERBE introduced the following resolution, which was considered immediately and agreed to :

Resolved, That the Chaplains of this Convention shall receive the sum of twenty-five dollars each in addition to the amount already provided for by ordinance.

REQUEST.

Mr. HUTSON requested that Mr. Mower be substituted in his place on the Committee on Order, Style and Revision ; which was agreed to.

The Steering Committee submitted the following report, which was considered immediately and agreed to :

The Steering Committee respectfully report:

1. That the Calendar of the Convention has been cleared and all matters upon the President's desk disposed of ; that nothing more can be done till the Committee on Order, Style and Revision shall make its report, which will require a period of several days.

2. That this Convention do now recede from business till 7:30 P. M. of December 3d, 1895; that each delegate, officer and employee be allowed mileage at five cents per mile going to his home and returning for the recess ; that no per diem be allowed for the recess to delegates, officers or employees, except to those who remain in Columbia sick during the recess, and except to those delegates who shall attend the meetings of the Committee on Order, Style and Revision, and such clerks as shall be employed by them under resolution this day adopted.

STANYARNE WILSON,
Chairman.

At 7 P. M., on motion of Mr. ALDRICH, the Convention adjourned until 7:30 P. M. Tuesday, December 3d next.

FIFTY-EIGHTH DAY.

Tuesday, December 3, 1895.

The Convention assembled at 7:30 o'clock P. M.

The Secretary called the roll.

The PRESIDENT took the chair.

A quorum being present, the deliberations were opened with prayer by the Rev. Mr. J. C. ABNEY.

The Journal of yesterday's proceedings was read and confirmed.

LEAVES OF ABSENCE.

Indefinite leave was granted to Mr. J. S. Brice on account of death in his family; indefinite leave to Mr. S. E. White.

Mr. SHEPPARD introduced the following resolutions, which were considered immediately and adopted:

Resolved, That the President of the Convention be, and is hereby, authorized to fill the blanks left in the ordinances for the purpose of indicating the day of the final adjournment of the Convention.

J. C. SHEPPARD.

Resolved, That the Secretary of State be permitted to allow any member of this Convention who is absent at the time of the ratification of this Constitution to sign his name thereto at any time before the 31st day of December present, at which time the same is to go into effect.

J. C. SHEPPARD.

Resolved, FIRST. That five hundred copies of the Constitution he printed in addition to the number heretofore provided for by resolution.

SECOND. That out of said number one copy be sent to each member of the General Assembly, except such of them as are members of this Convention; that the remainder thereof be disposed of by the Governor, Attorney General and Librarian as provided in a resolution heretofore adopted.

THIRD. That the sum of fifty dollars, if so much be necessary, be, and the same is hereby, appropriated to defray the expense incident to the distribution of the Constitution as herein, and in the previous resolution in relation thereto, directed.

J. C. SHEPPARD.

Resolved, That the Convention shall adjourn *sine die* on the fourth day of December, 1895.

J. C. SHEPPARD.

REPORTS OF STANDING COMMITTEES.

Mr. FITCH, for the Committee on Contingent Accounts and Expenses, submitted the following report, which was considered immediately, adopted, and the claim ordered paid :

The Committee on Contingent Accounts and Expenses, to whom was referred the bill of R. L. Bryan for thirty-one 10-100 dollars, respectfully report that they have carefully examined the same, and recommend that it be paid.

W. M. FITCH, for Committee.

ACCOUNTS.

Mr. HEMPHILL submitted the following account of Charles A. Calvo, Jr., which was considered immediately and ordered referred to Committee on Contingent Accounts and Expenses :

THE STATE OF SOUTH CAROLINA,

TO CHARLES A. CALVO, JR., DR.

To printing 200 copies Convention Journal, Nov. 22 to 26, inclusive—		
58⅞ L. P. pp. @ $1.07	$62 99	
13⅛ Brev. pp.=18½ L. P. @ $1.07	19 80	
		$ 82 79
To printing 200 copies Convention Calendar, Nov. 23 to 26, inclusive—		
8 L. P. pp. @ $1.07		8 56
To printing 500 copies Permanent Journal, sigs. 39 to 41, inclusive—		
30½ L. P. pp. @ $1.00	$30 50	
17½ Brev. pp.=24½ L. P. @ $1.00	24 50	
		55 00
To printing 200 copies Bill Matter—		
94 pp. @ $1.87		176 18
		$322 53

Personally appears Charles A. Calvo, Jr., who, being sworn, says that the above account is just and true, and that no part thereof has been paid by discount or otherwise.

CHARLES A. CALVO, JR.

Sworn to before me November 29, 1895.
GEO. W. PARKER, [L. S.]
Notary Public, S. C.

Mr. BUIST submitted the account of J. C. Stanley & Bro. for sixty-five cents; which was considered immediately and ordered referred to Committee on Contingent Account and Expenses:

COLUMBIA, S. C., November 28, 1895.

CONSTITUTIONAL CONVENTION, ENGROSSING DEPARTMENT,

To J. C. STANLEY & BRO., *Dr.*

October.	1 gallon fire proof oil	20 cents.
	2 gallon fire proof oil	40 cents.
	One-half dozen boxes matches	5 cents.
		65 cents.

Also, account of R. L. Bryan & Co. for $5 for supplies for Engrossing Department; which was considered immediately and referred to Committee on Contingent Accounts and Expenses:

COLUMBIA, S. C., December 3, 1895.

CONSTITUTIONAL CONVENTION OF SOUTH CAROLINA,

To R. L. BRYAN & CO., *Dr.*

Nov. 19.	To 2 gross rubber bands	$1 00
29.	To 2 quires journal paper and ruling	1 50
Dec. 3.	To 1 sheet parchment (telegraphed for)	2 50
		$5 00

Mr. FRASER, for the Committee on Order, Style and Revision, to whom was referred No. 48, an ordinance relating to the age of consent, beg leave to report that they have carefully considered the same, and recommend that it be not enrolled.

The report was adopted and the ordinance rejected.

Mr. GUNTER, for the Committee on Contingent Accounts and Expenses, submitted the following report, which was considered immediately, adopted, and the claim ordered paid:

The Committee on Contingent Accounts and Expenses, to whom was referred account of N. H. Stansell:

To 10 days before Convention met at $5.00 per day	$50 00	
To 7 days after, in cleaning up hall at $5.00 per day	35 00	
		$85 00
Less $2.00 per day for 17 days		34 00
Balance		$51 00

Report that as $34.00 has already been allowed by clerical error it is now recommended that the balance of $17.00 be paid to him, respectfully report that they have carefully examined the same, and recommend that the sum of $17.00 due be paid.

R. L. GUNTER for Committee.

Mr. FRASER, for the Committee on Order, Style and Revision, to whom was referred No. 58, an ordinance relating to defining the pay and mileage of the members, officers and employees of the Convention, beg leave to report that they have carefully considered the same and recommend the following changes herein reported.

The changes proposed by the Committee were adopted and the ordinance ratified.

Also, No. 65, an ordinance to provide for the payment of the per diem and mileage of the delegates, officers and employees, and other expenses of the Constitutional Convention, and make appropriations for the same, beg leave to report that the same has been enrolled and is herewith submitted for ratification.

The report of the Committee was adopted and the ordinance ratified.

Also, No. 57, an ordinance to authorize the General Assembly to provide for a sinking fund in the several Counties of the State, to enable the same to do business on a cash basis, beg leave to report that the same has been correctly enrolled and herewith presented for ratification.

The report was adopted and the ordinance ratified.

Also, No. 62, an ordinance relating to the validation of subscriptions to the capital stock of the Cape Fear and Cincinnati Railroad Company and the Wadesboro, Winnsboro and Camak Railroad Company, beg leave to report that they have carefully considered the same and recommend the changes herein reported.

The report of the Committee was adopted and the ordinance ratified.

Also, an ordinance, No. 70, in regard to paying the State Printer.

The Committee beg leave to report that they have carefully considered the same, and recommend the changes reported within.

The changes proposed by the Committee were adopted, and the ordinance duly ratified.

Also, an ordinance, No. 59, to provide an alphabetical index and marginal notes to the Constitution of A. D. 1895.

The Committee beg leave to report that they have carefully considered the same, and recommend the changes within.

The changes proposed by the Committee were adopted, and the ordinance duly ratified.

Also, No. 62, an ordinance to provide for the payment of interest on the public debt of the State to become due on the first day of January, 1896, and to make appropriations to pay the same, beg leave to

report that the same has been enrolled and herewith submitted for ratification.

The report of the Committee was adopted and the ordinance duly ratified.

Also, No. 52, an ordinance relating to validate and carry into effect the subscriptions to the capital stock of the Carolina, Knoxville and Western Railroad Company by the voters of Greenville County, beg leave to report that they have carefully considered the same, and recommend the changes as herein reported.

The changes reported by the Committee were adopted and the ordinance duly ratified.

Also, an ordinance, No. 71, to provide for the pay of Commissioners and Managers of Elections.

The Committee beg leave to report that they have carefully considered the same, and recommend the changes reported within.

The changes proposed by the Committee were adopted and the ordinance duly ratified.

The Convention proceeded to the consideration of the Constitution with the amendments as reported by the Committee on Order, Style and Revision.

The Committee on Order, Style and Revision, to whom were referred the various Articles of the Constitution, that have passed the third reading in this Convention, ask leave to report that they have carfully considered the same.

That they have endeavored by the changes they suggest to give accuracy and clearness to the language, so as to express the purpose of the Convention.

That they have endeavored by the few amendment suggested to carry out what they believe to be the wishes of the Convention.

And that they recommend that the Articles of the Constitution be placed in the following order:

ARTICLE I.
Declaration of Rights.
ARTICLE II.
Right of Suffrage.
ARTICLE III.
Legislative Department.
ARTICLE IV.
Executive Department.
ARTICLE V.
Judicial Department.
ARTICLE VI.
Jurisprudence.
ARTICLE VII.
Counties and County Government.

ARTICLE VIII.
MUNICIPAL CORPORATIONS AND POLICE REGULATIONS.
ARTICLE IX.
CORPORATIONS.
ARTICLE X.
FINANCE AND TAXATION.
ARTICLE XI.
EDUCATION.
ARTICLE XII.
CHARITABLE AND PENAL INSTITUTIONS.
ARTICLE XIII.
MILITIA.
ARTICLE XIV.
EMINENT DOMAIN.
ARTICLE XV.
IMPEACHMENTS.
ARTICLE XVI.
AMENDMENTS AND REVISION.
ARTICLE XVII.
MISCELLANEOUS.

The Committee recommend the following amendments:

IN ARTICLE I.—DECLARATION OF RIGHTS. (Calendar No. 34.)

SECTION 17.

On line 2 in the printed Article strike out the figures "($100)" and parenthesis.

On line 3 of the printed Article strike out the figures "(30)" and parenthesis.

On line 6 strike out the letter "s" in the word "offense" and insert the letter "c".

SECTION 18.

On line 1 of the printed Article insert the letter "s" at the end of the word "prosecution".

On line 5 strike out the letter "s" in the word "defense" and insert the letter "c".

On same line strike out the word "council" and insert the word "counsel".

SECTION 22.

On line 2 of the printed Article strike out the letter "u" in the word 'against" and insert the letter "n".

SECTION 26.

On line 5 of the printed Article strike out the letters "ies" in the word "authorities" and insert the letter "y".

ARTICLE II.—RIGHT OF SUFFRAGE. (Calendar No. 37).

SECTION 4.

On line 19 of the printed Article strike out the word "future" between the words "any" and "registration" and insert the word "subsequent".

On line 23 between the words "Constitution" and "or" insert the words "submitted to him by the registration officer".

On line 24 strike out the figures "($300)" and insert the words "three hundred dollars".

On line 27 strike out the word "for" between the words "collectible" and "the" and insert the word "during".

SECTION 6.

On line 5 of the printed Article strike out the word "and" between the words "miscegenation" and "larceny".

SECTION 12.

On lines 6 and 7 of the printed Article strike out the letters "in" in the beginning and the letter "d" at the end of the word "incorporated", so as to make it read "corporate".

ARTICLE III.—LEGISLATIVE DEPARTMENT. (Calendar No. 10).

SECTION 3.

On line 5 of the printed Article strike out the figures "1901" and insert "in the year nineteen hundred and one".

On line 9 strike out the words "or assignment" between the words "apportioning" and "of".

On line 10 insert the word "*further*" between the words "*Provided*" and "That".

On line 19 insert the word "*further*" between the words "*Provided*" and "That".

SECTION 4.

On line 6 of the printed Article strike out the word "of" between the words "efficiency" and "the" and insert the word "in".

SECTION 5.

On 1st line of the printed Article strike out the words "be construed to" between the words "shall" and "take".

On line 2 strike out the words "in any manner" between the words "effect" and "until".

SECTION 6.

On line 2 of the printed Article strike out the word "voters" between "qualified" and "in" and insert the word "electors".

SECTION 7.

On line 3 of the printed Article strike out the word "whence" between the words "County" and "he" and insert the words "in which".

SECTION 8. Report rejected and Section recommitted to Committee.

On line 2 of the printed Article strike out the letters "A. D." and the figures "1896" and insert the words "in the year eighteen hundred and ninety-six".

On line 3 strike out the word "provide" between the words "shall" and "for" and insert the word "prescribe".

On line 6 strike out the figures "1894" and insert the words "the year eighteen hundred and ninety-four".

On line 7 strike out the figures "1898" and insert the words "the year eighteen hundred and ninety-eight".

On line 8 insert the word "one" between the words "that" and "half".

SECTION 9.

On line 2 of the printed Article strike out the figures "1868" and insert the words "the year eighteen hundred and sixty-eight".

On line 3 strike out the figures "1895" and insert the words "in the year eighteen hundred and ninety-five".

On line 4 strike out the figures "1896" and insert the words "in the year eighteen hundred and ninety-six".

On line 5 strike out the word "be" between the words "shall" and "convene"; also on same line strike out the letter "d" at the end of the word "convened".

On line 6 strike out the letters "A. D." and the figures "1897" and insert the words "in the year eighteen hundred and ninety-seven".

SECTION 14.

On line 4 of the printed Article strike out the words "be extended so as to" between the words "not" and "protect".

SECTION 15.

Strike out the word "a" on the first line of printed Article between the words "raising" and "revenue".

On line 2 strike out the word "and" between the words "Senate" and "all".

Change Section "20" to "19" and all the following Sections to conform.

SECTION 20.

On line 3 of printed Article strike out the word "the" between the words "where" and "sessions" and insert the word "its". On the same line strike out the words "of the Legislature" between the words "sessions" and "are".

On same line strike out the word "and" between the "words "held" and "no".

On line 6 at the end of Section strike out the words "and no other".

SECTION 22.

On line 3 of the printed Article strike out the word "Assembly" between the words "which" and "shall" and insert the word "it".

SECTION 23.

On line 4 of the printed Article strike out the word "any" between the words "of" and "ten".

On line 8 strike out the letter "s" from the end of the word "Journals" at the end of Section.

SECTION 25.

On line 2 of the printed Article strike out the word "whilst" before the word "he" and insert the word "while".

SECTION 27.

On line 2 of the printed Article strike out the words "the executive of" between the words "upon" and "the."

On line 9 strike out the figures "1881" and insert the words "in the year eighteen hundred and eighty-one".

On line 11 strike out the letter "d" at the end of the word "engaged" between the words "appointed" and "in".

SECTION 29.

On line 8 of the printed Article strike out the words "of the sum of" between the words "value" and "of".

On line 13 strike out the words "in case" between the words "that" and "any". Amendment rejected.

On line 19 insert the word "further" between the words "provided" and "that".

SECTION 32.

On line 4 of the printed Article strike out the words "is subject to sell" between the words "it" and "to" and insert the words "can be sold".

SECTION 34.

Add to end of Section 34 the following sentence:

"No unmarried woman shall legally consent to sexual intercourse who shall not have attained the age of fourteen years." This being the provision of an Ordinance passed by this Convention relating to the age of consent.

ARTICLE IV.—EXECUTIVE DEPARTMENT. (Calendar No. 13.)

SECTION 2.

On line 7 of the printed Article strike out the word "for" between the words "*Provided*" and "by".

On line 6 insert between the words "under" and "this" the words "the authority of".

On same line between the words "or" and "any" insert the word "of.".

SECTION 4.

On line 2 of the printed Article add the letter "s" to the word "Board".

On same line strike out the words "for their" between the words "canvassers" and "respective" and insert the words "in the".

On line 5 insert a semicolon (;) after the ward "Assembly".

On same line strike out the word "a" between the words "and" and "duplicate".

On same line add the letter "s" to the word "duplicate".

On line 6 strike out all after the word "Counties" down to the word "it" on line 8 and insert the following: "It shall be the duty of any Clerk of Court to forward to the Secretary of State a certified copy of said returns upon being notified that the returns previously forwarded by mail have not been received at this office."

On line 6 insert a period (.) after the word "Counties".

On line 10 strike out the word "counted" between the words "been" and "if" and insert the words "canvassed by the County Board."

SECTION 7.

On line 3 of the printed Article strike out the word "exercise" between the words "shall" and "the" and insert the word "fill".

SECTION 8.

On lines 1 and 2 of the printed Article strike out the words "or of the House of Representatives being chosen and" between the words "Senate" and "acting".

SECTION 9.

Add to end of Section the following sentence:

"In case of the temporary disability of the Governor the Lieutenant Governor shall perform the duties of the Governor".

SECTION 11.

On line 11 of the printed Article strike out the word "therefor" between the words "reasons" and "to".

SECTION 13.

On line 2 of the printed Article strike out the word "a" between the words "service" and "compensation".

On same line add the letter "s" to the end of the word "service".

SECTION 15.

On line 3 of the printed Article strike out the word "judge" between the words "shall" and necessary" and insert the word "deem".

SECTION 16.

On line 2 of the printed Article strike out the word "and" between the words "Assembly" and "should" and insert the words "in extra session" and add a period (.) after the word "session".

On same line begin the word "should" with a capital "S".

On line 3 insert between words "houses" and "with" the words "during any session".

On same line between the words "adjournment" and "may" insert the word "he".

SECTION 20.

On line 3 of the printed Article fill blank after Article with the Roman letters "III" and the blank after Section with the figures "26".

SECTION 21.

On line 2 of the printed Article insert between the words "contagion" and "but" the words "or the emergencies of war".

SECTION 22.

On line 2 of the printed Article strike out the words "County officer or any other" between the words "any" and "officer".

On line 4 strike out the word "the" between the words "direct" and "immediate".

On line 5 strike out the words "of such officers" between the words "prosecutions" and "by".

On line 7 strike out the word "and" beteween the words "jury and in," and begin the word "in" with a capital.

SECTION 23.

On line 4 of the printed Article strike out the words "shall have" between the words "it" and "originated".

At the end of line 14 strike out the word "and" and begin the word "if" with a capital.

At the end of line 19 strike out the words "shall have" after the word "Bill".

On line 25 strike out the words "of the members elected to each" between the words "two-thirds" and "of".

On line 30 strike out the word "their" before the word "adjournment".

On line 31 strike out the letters "ir" in the word "their" between the words "after" and "next".

SECTION 24.

On line 5 of the printed Article insert a semicolon (;) between the words "qualified" and "and".

ARTICLE V.—JUDICIAL DEPARTMENT. (Calendar No. 42.)

SECTION. 6.

On line 6 of the printed Article strike out the word "of" betwcen the words "Court" and "the" and insert the word "or".

SECTION 15.

Line 2, strike out "s" at end of "appeals".

SECTION 18.

Line 5, insert comma (,) after "Courts".

On line 4 of the printed Article insert between the words "concurrent" and "as" the words "jurisdiction with".

On same line strike out the comma (,) after the word "appellate" and insert a comma (,) between the words "from" and "the".

SECTION 20.

Line 3 change "office" to "offices".

SECTION 21.

On line 6 of the printed Article insert between the word "*Provided*" and "such" the word "*further*".

SECTION 22.

On the first line of the printed Article strike out the letter "s" in the word "offense" and insert the letter "c".

On line 8 strike out the word "voter" between the words "qualified" and "under" and insert the word "elector".

SECTION 23.

On lines 3 and 7 of the printed Article strike out the letter "s" in the word "offense" and insert the letter "c".

Article 1, Declaration of Rights, was read and adopted with the amendments proposed by the Committee.

Article 2, Right of Suffrage, was read and adopted with the amendments proposed by the Committee.

Article 3, Legislative Department.

Sections 1, 2, 3, 4, 5, 6 and 7 were read and adopted with amendments proposed by the Committee.

Section 8, on motion of Mr. GEORGE JOHNSTONE, was recommitted to the Committee on Order, Style and Revision.

Sections 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27 were read and adopted with the amendments proposed by the Committee.

Section 28. On motion of Mr. GEORGE JOHNSTONE, the recommendation of the Committee to strike out the words "in case" after the first "*Provided*, That" was rejected.

Sections 29, 30, 31, 32, 33, 34 and 35 were read and adopted with the amendments recommended by the Committee.

Article 4, Executive Department, was read and adopted with the amendments proposed by the Committee.

Article 5, Judicial Department, was read and adopted with the amendments proposed by the Committee.

On motion of Mr. BUIST, at 10:30 P. M., the Convention adjourned until 11 A. M. to morrow.

FIFTY-NINTH DAY.

Wednesday, December 4, 1895.

The Convention assembled at 11 o'clock A. M.

The Secretary called the roll.

The PRESIDENT took the chair.

A quorum being present, the deliberations were opened with prayer by the Rev. Mr. PARROTT.

The Journal of yesterday's proceedings was read and confirmed.

REPORTS OF STANDING COMMITTEES.

Mr. BUIST, for the Committee on Contingent Accounts and Expenses, submitted the following report, which was considered immediately, adopted and the claim ordered paid :

Account of R. L. Bryan & Co. for $5.00, for stationery for Engrossing Department.

Mr. BUIST, for the Committee on Contingent Accounts and Expenses, submitted the following report, which was considered immediately, adopted and the claim ordered paid :

Claim of J. C. Stanley & Bro. for sixty-five cents.

Mr. FIELD, for the Committee on Contingent Accounts and Expenses, submitted the following report, which was considered immediately, adopted and the claim ordered paid :

Account of Chas. A. Calvo, Jr., for printing, $322.53.

Mr. BEHRE introduced the following :

Resolved, That this Convention request of Hon. Julian Mitchell and Hon. E. J. Kennedy copies of the speeches made by them on the report on Educational Article, after they have revised the same, and that the same be printed in the Journal of this Convention for future information.

Which was referred to Committee on Contingent Accounts and Expenses.

Mr. BEHRE moved to reconsider the vote whereby the resolution was referred to the Committtee on Contingent Accounts and Expenses, and to be permitted to withdraw the same.

REMARKS OF MR. MITCHELL ON MR. BEHRE'S MOTION TO RESCIND ORDER OF REFERENCE AND WITHDRAW RESOLUTION.

While I appreciate the compliment paid me by the motion made to have my remarks on education printed, I sincerely trust the Convention will con-

sent to the motion from the gentleman from Colleton, now made at my request, to withdraw his resolution. Had I had an inkling of the course proposed I should have earnestly protested.

The kind and considerate attention of the Convention to the remarks I have heretofore made has been a sufficient appreciation of my trying to do my duty, without more.

It certainly would be going too far to draw any distinction by having my remarks printed.

Many arguments before the Convention are entitled to more consideration than anything I have said, and it would be distasteful to me for the Convention to do otherwise than grant the motion of the gentleman from Colleton, now made, to rescind the order of reference and withdraw the resolution.

The motion of Mr. BEHRE was agreed to, and the resolution withdrawn.

Mr. ALDRICH introduced the following, which was considered immediately and adopted :

Resolved, That the five hundred copies of the permanent Journal of the proceedings of this Convention heretofore ordered be bound in permanent form, properly indexed, and shall be distributed as follows:

One copy to each member of this Convention, and one to the widow of any deceased member, one copy to each of the departments and officers of the State Government; the remaining copies to be deposited in the State Library to be disposed of as the General Assembly may direct.

The Convention proceeded to the consideration of the Constitution, with the recommendations of the Committee.

Mr. FRASER, for the Committee on Order, Style and Revision, submitted the following as a substitute for Section 8, Article III. The report of the Committee was agreed to, and the substitute was read and adopted as Section 8 :

Strike out all of Section 8 down to the words "Senators shall be so classified" and insert the following:

The first election for members of the House of Representatives under this Constitution shall be held on Tuesday after the first Monday in November, eighteen hundred and ninety-six, and in every second year thereafter, in such manner and at such places as the General Assembly may prescribe; and the first election for Senators shall be held on Tuesday after the first Monday in November, eighteen hundred and ninety-six, and every fourth year thereafter, except in Counties in which there was an election for Senator in eighteen hundred and ninety-four for a full term, in which Counties no election for Senator shall be held until the general election to be held in eighteen hundred and ninety-eight, and every fourth year thereafter, except to fill vacancies.

REPORT OF COMMITTEE ON ORDER, STYLE AND REVISION.

ARTICLE VI.—Jurisprudence. (Calendar No. 46).

Section 1.

On the 1st line of the printed Article strike out the word "such" between the words "pass" and "laws".

On lines 1 and 2 strike out the words "as may be necessary and proper to decide" and insert the word "allowing".

On line 2 between the words "differences" and "by" insert the words "to be decided".

On line 3 strike out the word "summary" between the words "that" and "mode".

Section 2.

At the end of the 1st line of the printed Article strike out the words "the necessary".

On line 4 strike out "trial" after "such" and insert "action".

On line 6 strike out the 1st letter "s" in the word "offenses" and insert the letter "c".

On line 8 strike out the letter "s" in the word "offense" and insert the letter "c".

Section 5.

On line 6 of printed Article strike out the word "civil" between the words "General" and "Statutes".

On line 8 strike out the figures "1900" and insert the words "nineteen hundred".

In line 15 strike out the letter "s" at the end of the word "codes".

Section 6.

On line 18 between the words "against" and "a" strike out "whom" and insert "which".

Section 6.

At the end of line 2 of printed Article strike out the word "such" after the word "from" and insert the word "said".

On line 3 between the words "through" and "negligence" insert the word "his".

On line 7 strike out the word "henceforth" between the words "Governor" and "be".

On line 10 between the words "County" and "other" insert the words "in the same Circuit".

On line 11 strike out "s" in "offense" and insert "c".

On line 12 strike out the words "in the same Circuit" before the word "the", and insert a period (.) after the word "elect" on the end of line 11.

On line 14 strike out the word "where" between the words "lynching" and "death" and insert the word "when".

ARTICLE VII.—Counties and County Government. (Calendar No. 29.)

Section 1.

On line 1 of printed Article strike out the words "from time to time" between the words "may" and "establish".

On line 2 strike out the word "voters" at the end, after the word "qualified," and insert the word "electors".

On line 7 substitute "electors" for "voters".

On line 3, Section 7, substitute "electors" for "voters".

SECTION 2.

On line 2 add the letter "s" to the word "question" between the words "such" and "then".

SECTION 12.

Substitute "the first day of January, eighteen hundred and ninety-six," for "January 1st, 1896".

We recommend that Section 13 of the Article on Municipal Corporations and Police Regulations be added to this Article as Section 14, as follows:

SECTION 14. Hereafter no County lines shall be so established as to pass through any incorporated city or town of this State.

ARTICLE VIII.—MUNICIPAL CORPORATIONS AND POLICE REGULATIONS.
(Calendar No. 9.)

SECTION 1.

On the 1st line of the printed Article strike out the word "Legislature" between the words "the" and "shall" and insert the words "General Assembly".

On line 3 strike out the words "by general laws" between the words "defined" and "so".

SECTION 3.

On the 1st line of the printed Article strike out the word "Legislature" between the words "the" and "shall" and insert the words the "General Assembly".

SECTION 4.

On line 3 strike out the word "and" between the words "uses" and "to" and insert the word "or".

SECTION 7.

On line 3 of the printed Article strike out the letter "d" at the end of the word "valued" between the words "assessed" and "of".

At the end of line 8 strike out the word "issued" after the word "indebtedness".

At the end of line 12, being the end of the Section, add the following:

"Nothing herein contained shall prevent the issuing of bonds to an amount sufficient to refund bonded indebtedness existing at the time of the adoption of this Constitution."

SECTION 8.

On line 5 substitute "electors" for "voters".

SECTION 9.

On line 3 of the printed Article strike out the words "character of" between the words "other" and "armed".

On line 5 substitute "electors" for "voters".

SECTION 11.

At the end of line 13 of the printed Article after the word "delegate" insert the words "to any municipal corporation", and at the end of line 14 strike out the words "to any municipal corporation" after the word "same".

SECTION 12.

Substitute "General Assembly" for "Legislature".

SECTION 13.

Strike out the entire Section, it having been added to Article VII, Counties and County Government, as Section 14.

ARTICLE IX.—CORPORATIONS. (Calendar No. 30.)

SECTION 2.

On the 1st line of the printed Article strike out the letter "s" at the end of "corporations" betwen the words "of" and "shall".

On line 9 insert the word "a" between the words "for" and "special".

SECTION 4 of the printed Article.

On line 4 strike out the letter "r" at the end of the word "officer" between the words "public" and "for".

SECTION 5.

On the 1st line of the printed Article strike out the word "for" between the words "transportation" and "the" and insert the word "of".

On line 4 strike out the word "and" between the words "places and persons" and insert the word "or".

On line 9 strike out the word "over" between the words "transported" and "any" and insert the word "by".

On line 9 strike out the word "by" between the words "or" and "any".

At the end of line 13, being the end of the Section, add the following:

"This Section shall not prevent the Railroad Commission from making such competitive rates as shall in their judgment be just and equitable between the railroads and the public at all junctional and competitive points, or at points where water competition controls the traffic, or at points where the competition of points located in other States may make necessary the prescribing of different rates for the protection of the commerce of this State."

SECTION 11.

On lines 2 and 3 of the printed Article strike out the words "by the cumulative plan, that is to say," between the words "Corporations" on line 2 and "so" on line 3.

SECTION 13.

On line 3 of the printed Article strike out the words "inimical to" between the words "agreements" and "the", and insert the word "against".

SECTION 14.

On lines 4, 5, 6 and 7 of the printed Article strike out all after the word "law" on line 4 down to the word "and" on line 7, and strike out after the word "Commissioners" on line 10 the "period" and insert a colon, and add thereafter the following words:

"*Provided*, That the members thereof shall be elected at the expiration of the terms of the present Railroad Commissioners, who are hereby continued in office for the terms for which they were elected."

SECTION 15.

On line 10 of the printed Article strike out the letter "s" in the word "defense" and insert between the letters "n" and "e" the letter "c".

SECTION 17.

On line 5 of the printed Article strike out between the words "the" and "by" the word "reception" and insert the word "acceptance".

SECTION 18.

On the first line of the printed Article between the words "all" and "corporation" insert the word "insolvent".

On the first line strike out the words "in case of insolvency" between the words "corporation" and "shall".

SECTION 19.

Strike out Section 19 of printed Article and place it at the end of the Article as Section 21.

Change Section 20 to Section 19.

Change Section 21 to Section 20.

SECTION 20.

On line 2 of the printed Article insert between the words "made" and "or" the words "to the owner".

On line 3 strike out the words "to the owner" between the words "money and irrespective" and add at the end of the Article the following:

"SECTION 21. The General Assembly shall enforce the provisions of this Article by appropriate legislation."

ARTICLE X.—FINANCE AND TAXATION. (Calendar No. 12.)

SECTION 1.

On line 2 of the printed Article strike out the word "such" between the words "prescribe" and "regulations".

At the end of line 2 strike out the words "as shall" after the word "regulation" and insert the word "to".

On line 4 strike out the word "proceeds" between the words "the" and "of" and insert the word "products".

At the end of line 9 strike out the word "may" after the word "and".

At the beginning of line 10 strike out the word "provide" before the word "for".

SECTION 2.

On line 3 of the printed Article strike out the word "such" between the words "that" and "ordinary" and insert the word "the".

SECTION 3.

On line 2 of the printed Article strike out the word "such" between the words "object" and "tax" and insert the word "the".

SECTION 5.

On line 8 strike out the figure "3" and substitute the figure "12".

On line 27 of the printed Article strike out the word "no" between the words "upon" and "territory" and insert the word "any".

On line 28 strike out the word "ever" between the words "shall" and "exceed" and insert the word "never".

On line 30 strike out the word "issuing" between the words "the" and "of" and insert the word "issue".

SECTION 6.

On line 2 of the printed Article strike out the letter "s" at the end of the word "associations" between the words "company" and "or".

On line 7 between the words "and" and "expenses" insert the word "Court".

On line 8 strike out the words "of Court" between the words "expenses" and "and".

SECTION 9.

At the beginning of 1st line of printed Article strike out the word "no" and commence the word "money" with a capital.

On the 1st line strike out the word "but" between "treasury" and "in" and insert the word "only".

SECTION 11.

On line 4 after the word "interest" insert a comma.

ARTICLE XI.—EDUCATION. (Calendar No. 41.)

SECTION 5.

On line 5 of the printed Article strike out the figures "10,000" and insert the words "ten thousand".

SECTION 6.

On line 11 of the printed Article after the sentence ending in the word "prescribe" add the following sentence:

"The General Assembly shall define 'enrollment.'" This sentence is placed at the end of this Section by the Convention.

On line 25 strike out the figures and letters "31st" and insert "the thirty-first day".

On line 25 strike out the figures "1895" and insert "in the year eighteen hundred and ninety-five".

At the end of line 35 and the beginning of line 36 strike out the letters and figures "A. D." "1898" and insert the words "in the year eighteen hundred and ninety-eight".

At the end of line 43 and on line 44 strike out the words "The General Assembly shall define enrollment".

SECTION 8.

On line 2 of the printed Article strike out the word "and" between "College" and "the".

On line 3 insert between the words "College" and "as" the words "a branch thereof". Also on same line insert a comma (,) after the word "thereof".

On line 5 between the words "passed" and "July" insert the words "the second day of".

On line 5 strike out the figures "2", "1862", and insert "in the year eighteen hundred and sixty-two".

On line 9 insert the letter "i" between the letters "l" and "n" in the word "Claflin" between the words "from" and "University".

SECTION 11.

On line 7 of the printed Article between the words "approved" and "December" insert the words "the twenty-fourth day of".

On line 7 strike out the figures "24", "1891", and insert the words "in the year eighteen hundred and ninety-one".

SECTION 12.

On line 5 between the words "taxes" and "provided" appears in the original the word "so", which must be stricken out; the printed Section is correct.

On line 8 strike out the word "where" between the words "levied" and "the" and insert the word "when".

On line 9 strike out the word "and" between the words "aforesaid" and "from".

ARTICLE XII.—Charitable and Penal Institutions. (Calendar No. 19.)

Section 6.

On line 2 of the printed Article between the words "or" and "Counties" insert the words "of the".

Section 8.

Strike out Section 8 as appears in the printed Article and insert the following therefor:

"Section 8. The Governor shall have power to remove any of the aforesaid officers. He shall also have power to fill all vacancies, caused by removal or otherwise, that may occur in any of the offices aforesaid, except when otherwise provided for, until the next session of the General Assembly thereafter, and until a successor or successors shall be appointed and confirmed."

ARTICLE XIII.—Militia. (Calendar No. 32.)

Section 2.

On the first line of the printed Article strike out the word "military" between the words "and" and "forces" and insert the word "militia".

On line 2, at the end, after the word "while" insert the words "in service or".

Section 4.

On line 4 of the printed Article strike out a comma after the word "law" and insert a period.

On line 4 strike out the word "and" between the words "law" and "the" and commence the word "the" with a capital.

On line 4 between the words "the" and "consent" insert the words "advice and".

Section 5.

At the end of line 6 of the printed Article strike out the words "now dead" after the word "sailors".

ARTICLE XIV.—Eminent Domain. (Calendar No. 63.)

Section 1.

On line 3 of the printed Article strike out the word "other" between the words "all" and navigable".

ARTICLE XV.—Impeachments. (Calendar No. 18.)

Section 1.

On line 3 of the printed Article strike out the comma after the word "impeachment" and insert a period.

On line 3 strike out the word "and" between the word "impeachment" and "any" and begin the word "any" with a capital.

On line 4 strike out the words "their places" between the words "and" and "shall" and insert the words "the office".

Section 2.

On line 4 of the printed Article strike out the word "is" between the words "he" and "disqualified" and insert the word "be".

ARTICLE XVI.—AMENDMENTS AND REVISION. (Calendar No. 14.)

SECTION 1.

Strike out on lines 8, 9 and 10 all after the word "amendments" on line 8 down to the word "the" on line 10.

SECTION 3.

On line 3 of the printed Article between the words "vote" and "at" insert the words "for or against a Convention".

On line 4 strike out the words "for or against a Convention" between the words "Representatives" and "and".

On line 6 strike out the word "their" between the words "at" and "next" and insert the word "its".

ARTICLE XVII.—MISCELLANEOUS. (Calendar No. 27.)

SECTION 1.

On line 2 of the printed Article strike out the letters "es" at the end of the word "possesses" between the words "he" and "the".

On line 4 strike out the word "and" between the words "years" and "who".

SECTION 7.

On line 2 insert a semicolon between the words "State" and "and".

SECTION 8.

On line 3 of the printed Article insert a comma between the words "officer" and "upon" and between the words "thereof" and "shall".

On line 4 strike out the word "that" between the words "and" and "the".

Add to the end of the printed Article the printed Article known as "Schedule," Calendar No. 67, as Section 11, and strike out the word "Schedule".

SECTION 11.

On line 4 strike out the words "and constitutional when enacted" between the words "State" and "at".

On line 5 insert the words "and constitutional when enacted" between the words "therewith" and "shall".

On line 38 strike out the figures "1868" and insert the words "eighteen hundred and sixty-eight".

On line 39 strike out the figures "1896" and the letters "A. D." and insert the words "in the year eighteen hundred and ninety-six".

On line 41 strike out the figures "31st" and insert the words "thirty-first".

On line 42 strike out the letters "A. D." and insert the words "in the year."

On the next line strike out the word "Section" and the figure "9" and insert the word "ninth".

On the same line strike out the figures "1868" and insert the words "eighteen hundred and sixty-eight".

The Committee recommends that in all cases where the words "voter" or "voters" are used that the words "elector" or "electors" be substituted. Also that the words "General Assembly" be substituted where the word "Legislature" is used.

Your Committee have directed the Constitution to be printed so as to show the changes proposed by them. The printed copies will be placed on the desks of the delegates.

Respectfully submitted,
T. B. FRASER, Chairman.

Article VI, Jurisprudence.

Sections 1, 2, 3 and 4 were read and adopted with the amendments proposed by the Committee.

Section 5. Mr. BELLINGER asked and obtained unanimous consent to strike out the words "nineteen hundred" and insert in lieu thereof the words "nineteen hundred and one."

The Section as amended was adopted.

Section 6 was read and adopted with amendments proposed by the Committee.

The Article was then adopted as amended.

Article VII, Counties and County Government, was read and adopted with amendments proposed by the Committee.

Article VIII, Municipal Corporations and Police Regulations, was read and adopted with amendments proposed by the Committee.

Article IX. Section 1 was read and adopted with amendments proposed by the Committee.

Section 2. Mr. FRASER moved that the word "Legislature" in the first part of the Section be stricken out and the words "General Assembly" inserted in lieu thereof; which was agreed to.

Also, to insert after the words "two-thirds vote" in the proviso the following: "of each house;" which was agreed to.

Section 2 as amended was read and adopted.

Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 were read and adopted.

Section 19. On motion of Mr. McMAHAN, the word "whomsoever" in the middle of the Article was stricken out and "whatsoever" inserted in lieu thereof.

The Section as amended was read and adopted.

Sections 20 and 21 were read and adopted with amendments proposed by the Committee.

The Article as amended was adopted.

Article X was read and adopted with amendments proposed by the Committee.

Article XI was read and adopted with amendments proposed by the Committee.

Article XII. Sections 1, 2, 3, 4, 5, 6 and 7 were read and adopted.

Section 8. Mr. FRASER asked and obtained permission to withdraw the amendment proposed by the Committee, and to insert in lieu thereof the Section as originally adopted.

Section 9 was read and adopted.

The Article as amended was adopted.

Article XIII was read and adopted with amendments proposed by the Committee.

Article XIV was read and adopted with amendments proposed by the Committee.

Article XV was read and adopted with amendments proposed by the Committee.

Article XVI. Section 1, on motion of Mr. HUTSON, was recommitted to the Committee on Order, Style and Revision.

Sections 2 and 3 were read and adopted with amendments proposed by Committee.

Article XVII was read and adopted with amendments proposed by the Committee.

Mr. EFIRD, for the Committee on Order, Style and Revision, submitted the following report on

ARTICLE XVI.—AMENDMENT AND REVISION OF THE CONSTITUTION.

SECTION. Any amendment or amendments to the Constitution may be proposed in the Senate or House of Representatives. If the same be agreed to by two-thirds of the members elected to each house, such amendment or amendments shall be entered on the journals respectively, with the yeas and nays taken thereon; and the same shall be submitted to the qualified electors of the State at the next general election thereafter for Representatives; and if a majority of the electors qualified to vote for members of the General Assembly, voting thereon, shall vote in favor of such amendment or amendments, and a majority of each branch of the next General Assembly shall, after such an election, and before another, ratify the same amendment or amendments by yeas and nays, the same shall become part of the Constitution: *Provided*, That such amendment or amendments shall have been read three times, on three several days, in each house.

Which was considered immediately and adopted as Section 1.

Article XVI as amended was adopted.

Section 1 as amended was read and adopted.

Mr. FRASER, for Committee on Order, Style and Revision, submitted the following report:

The Committee on Order, Style and Revision beg leave to report that they continued the work on the Constitution during the recess, as provided by the resolution of the Convention, and the result of their labors appear in the reports submitted to the Convention.

They also beg leave to submit the following statement of expenses and allowances provided for by the resolution of the Convention as they understand it:

For the following members of the Committee on Order, Style and Revision, besides mileage, as follows:

T. B. Fraser, six days at $4 per day, $24.
C. M. Efird, five days at $4 per day, $20.
J. C. Sheppard, six days at $4 per day, $24.
G. S. Mower, six days at $4 per day, $24.
Julian Mitchell, Sr., four days at $4 per day, $16.
W. J. Gooding, four days at $4 per day, $16.
J. E. Ellerbe, two days at $4 per day, $8.
Robert Aldrich, three days at $4 per day, $12.
D. S. Henderson, one day at $4 per day, $4.
Stanyarne Wilson, one day at $4 per day, $4.

For the following clerks who have been in the employment of the Committee, besides mileage:

Wm. H. Yeldell, six days at $4 per day, $24.
G. D. Smith, six days at $4 per day, $24.
G. H. Charles, six days at $4 per day, $24.
R. L. Freeman, six days at $4 per day, $24.
C. S. Bull, eight days at $4 per day, $32; no mileage.
J. G. Harmisson, seven days at $4 per day, $28; no mileage.
J. Bahlman, five days at $4 per day, $20; no mileage.
Council Cross for labor done, besides mileage, 6 days at $1.50 per day, $9.

The printed bills will be presented in the usual course of business as to this matter.

All of which is respectfully submitted,

T. B. FRASER,
Chairman of Committee.

On motion of Mr. W. D. EVANS, the words "besides mileage," wherever the same occur, were stricken out.

The report as amended was adopted.

Mr. E. J. KENNEDY, at 2 P. M., moved that the Convention do now recede from business until 4 P. M. this day; which was agreed to.

RECESS.

The PRESIDENT resumed the chair at 4 P. M.

Mr. W. D. EVANS moved to reconsider the vote whereby the Convention agreed to strike out the words "besides mileage" wherever the same occur in the report submitted by Mr. Fraser for Committee on Order, Style and Revision, printed in the Journal of this morning; which was agreed to.

Mr. W. D. EVANS moved to amend by reinserting the words "besides mileage" wherever the same were ordered stricken out; which was agreed to.

REPORT OF STANDING COMMITTEE.

Mr. FRASER, for the Committee on Order, Style and Revision, submitted the following report, which was considered immediately and adopted :

Resolved, That the sum of four dollars per diem be, and the same is hereby, allowed to J. G. Harmisson, C. S. Bull and J. Bahlman, each, clerks and expert penmen in the service of the Committee on Order, Style and Revision, for two days of additional service performed by them, respectively.

Upon the final ratification of the Constitution as a whole a yea and nay vote was called and resulted as follows :

Yeas, 116 ; nays, 7.

Those who voted in the affirmative are :

Yeas—Hon. John Gary Evans, President, and Messrs. Aldrich, Alexander, Ashe, Atkinson, Austin, Barry, Barton, Behre, Bellinger, Bobo, Bowman, Bradham, Breazeale, T. W. Brice, Bryan, Buist, Burn, Cantey, Carver, Clayton, Connor, DeHay, Dennis, Douglass, Doyle, Efird, Ellerbe, Estridge, W. D. Evans, Field, Fitch, Floyd, Fraser, Gage, Gamble, J. L. Glenn, J. P. Glenn, Gooding, Graham, Gray, Gunter, Hamel, Harris, Harrison, Hay, Haynsworth, Hemphill, D. S. Henderson, Hiers, Houser, Jervey, T. E. Johnson, George Johnstone, Ira B. Jones, Keitt, E. J. Kennedy, J. W. Kennedy, Lee, Lowman, Lybrand, McCalla, McCaslan, McCown, McDermotte, McKagen, McMahan, McMakin, McWhite, Matthews, Meares, Mitchell, J. D. Montgomery, W. J. Montgomery, Moore, Morrison, Mower, Murray, Nash, Nathans, Nicholson, Otts, Parrott, Patterson, Peake, Prince, Ragsdale, Redfearn, Rogers, Rosborough, Rowland, Russell, Scarborough, Sheppard, Shuler, Singletary, Sligh, Sloan, A. J. Smith, R. F. Smith, W. C. Smith, Smoak, Stackhouse, Stribling, Sullivan, Taylor, G. D. Tillman, Timmerman, Von Kolnitz, Waters, Wells, A. H. White, Wiggins, W. B. Wilson, Winkler, and Woodward.—116.

Those who voted in the negative are :

Nays—Messrs. Anderson, Dudley, Miller, J. H. Read, I. R. Reed, Smalls, and Wigg.—7.

REASONS FOR VOTING.

I vote "aye" believing that the Constitution is as good as could be attainable.

The Homestead Article I protest against as destructive of the homes of the people and fatal to our prosperity, tending to build up a landed aristocracy and create a poverty-stricken peasantry.

HENRY C. BURN.

On the adoption of the Constitution as a whole I voted "yes," but there are several matters incorporated therein which I opposed when passed, and which I still believe to be wrong.

T. I. ROGERS.

On motion of Mr. FRASER, at 4:30 P. M., the Convention receded from business until 7:30 P. M. this day.

RECESS.

The PRESIDENT resumed the chair at 7:30 P. M.

Mr. FRASER, for the Committee on Order, Style and Revision, to whom was referred the Constitution of the State of South Carolina as adopted at this Convention, begs leave to report that the same has been properly enrolled and herewith presented for ratification; which was received as information.

By request, the following were ordered spread upon the Journal:

REASONS FOR NOT VOTING.

Upon the question of the adoption of the Constitution if I had been present I would have voted "aye."

C. J. C. HUTSON.

R. B. Watson was absent when the vote on the final adoption of the Constitution was had. If he had been present he would have voted "aye."

R. B. WATSON.

On the question of the final adoption of the Constitution I was absent when my name was called. Had I been present I would have voted "aye."

R. L. HENRY.

Mr. GARY states that he was temporarily absent at the vote upon the final passage of the Constitution. Had he been present he would have voted "aye."

On the question of the final adoption of the Constitution I was absent when my name was called. Had I been present I would have voted "aye."

J. C. KLUGH.

REASONS FOR VOTING.

I voted "no" on final adoption of the Constitution for the reason that there are many matters in the Constitution I voted against because I thought unwise, and still hold to that opinion.

T. E. DUDLEY.

My reason for voting "no" on the question of adopting the Constitution as a whole is: I have been from the beginning opposed to the understanding clause in the Article on Suffrage, believe it will be upset if tested in the United States Court, believe it opens the door for fraud, and think it unnecessary, inasmuch as other provisions in the Article, which are beyond suspicion of unfairness, will accomplish the desired end, *i. e.*, securing white supremacy.

I. HARLESTON READ.

Mr. J. L. GLENN submitted the following communication, with the request that the same be spread upon the Journal, which was agreed to:

Mr. President and Gentlemen of the Convention: During the discussion of the formation of Rock Hill County I may have made some unkind remarks about my colleagues from York. I desire publicly to retract the same and to say that they are all high-toned gentlemen. Deep personal affliction prevents me from being present and making these remarks in person.

J. S. BRICE.

Mr. W. D. EVANS introduced the following, which was considered immediately and unanimously agreed to:

Resolved, That the Secretary write the names of the three members, R. H. Hodges, J. O. Byrd and J. M. Sprott, who died during the session of the Convention, in the proper place on the roll of signatures ratifying this Constitution.

The PRESIDENT announced that the Constitution had been adopted as a whole, duly ratified and signed.

The PRESIDENT announced that the Constitution was now ready for the delegates to attach their signatures thereto.

The call was by Counties, and the various delegates affixed their signatures.

When Beaufort County was called, Mr. SMALLS, on behalf of the colored delegates, asked and obtained permission to be excused from signing the Constitution.

Mr. PATTERSON moved that this Convention resolve itself into a Committee of the Whole; which was agreed to.

The PRESIDENT requested Mr. George Johnstone to take the chair.

Mr. GEORGE JOHNSTONE took the chair, and called the Committee of the Whole to order.

Mr. PATTERSON offered the following, which was adopted unanimously by a rising vote :

Whereas, the Constitutional Convention is now about to adjourn *sine die:*

Be it resolved, That the Convention hereby testifies its high appreciation of the able, dignified and courteous manner in which the Hon. John Gary Evans has discharged the duties of the high office of President of the Convention, and also to express the wishes of the members for his continued prosperity and happiness.

Resolved, further, That this Convention record its acknowledgment of the courteous and efficient manner in which the Hons. W. J. Talbert and Ira B. Jones have presided over this body as its Vice Presidents.

Resolved, further, That this Convention desires to express its appreciation of the efficient manner in which S. W. Vance, Secretary, and the other officers and employees of this Convention have discharged the duties of their respective offices, and the best wishes of the Convention will attend them, one and all, in their future lives.

Mr. W. J. MONTGOMERY offered the following, which was unanimously adopted by a rising vote :

Resolved, That the thanks of this Convention be extended to the Committee on Order, Style and Revision, Hon. T. B. Fraser, Chairman, for their arduous and successful labors in the arrangement and revision of the several Articles of the Constitution adopted by this Convention.

Speaking to it he said :

MR. CHAIRMAN: In presenting this resolution I am satisfied I voice the sentiments of this Convention. It is seldom that one of the age of the distinguished Chairman of this Committee lays aside at the evening time of his life the surroundings of home and its pleasant associations and goes into a body like this to assume arduous and exacting duties. But, as each member has noticed, he has, with a self-sacrificing patience, given his time and mature thought to the vexed questions which have been submitted to that Committee; and no higher expression of the confidence of this Convention of the work which that Committee has done could be given than the unanimity with which it has accepted it. And as he, as Chairman, and the various gentlemen composing that Committee, lay aside the duties which they have been called upon to perform, they each one retire to their homes with the consciousness of duty well performed. In behalf of their people and their State I move the adoption of these resolutions.

The resolutions were then unanimously adopted.

Mr. McGOWAN moved that the thanks of the members of the Convention be extended to the citizens of Columbia for the handsome hospitality extended them during their stay here.

This was seconded by Mr. A. J. Smith in behalf of Laurens County; Mr. Burn in behalf of Darlington; Mr. Haynsworth, as a representative of the Piedmont section, who made some appropriate remarks;

Mr. McWhite, as the "layman from Florence;" Mr. J. A Sligh, as "a private from Newberry"; Capt. Barry in behalf of Spartanburg, and Dr. Timmerman in behalf of Edgefield.

Mr McGowan's motion was unanimously adopted.

Mr. BELLINGER moved that a Committee of three be appointed to present to the President the gold watch purchased by the delegates, officers and employees of the Convention.

The Chairman appointed as the Committee Messrs. Bellinger, Buist and Breazeale.

Mr. OTTS offered the following:

Resolved, That the thanks of this body are due, and are hereby tendered, to the daily press for their faithful, complete and impartial reports of the proceedings of this Convention.

Mr. GEORGE JOHNSTONE announced that the Committee of the Whole having finished its duties is now adjourned.

The PRESIDENT resumed the chair.

Mr. GEORGE JOHNSTONE presented the resolutions to the President in the following words:

Mr. PRESIDENT: As Chairman of the Committee of the Whole, it devolves upon me to present to you the resolutions of thanks which I now hold in my hand, and through you to the Vice Presidents and the different officers of the Convention for the able, impartial and efficient manner in which you yourself and the Vice Presidents have presided over the deliberations of this body, and the different officers have performed their duties. I assure you that not only were these resolutions presented to you with absolute unanimity, but with a feeling of sincere regard from the body over which you have presided. In these the closing hours of this Convention it is with unusual pleasure that I am thus able to address myself to you as the organ of the Committee of the Whole, and to assure you that you carry into your retirement, so far as you do now retire from official station, the hearty good will of each and every member of this body.

Mr. BELLINGER, for the Committee, presented the watch to the President in the following words:

MR. PRESIDENT: Our work performed, the time has arrived when your official relations are to be severed for all time. The labors of us all during the long weeks now past have been arduous and exacting, but your position has entailed upon you duties peculiarly trying to temper, patience and physical endurance, and it gives us pleasure to congratulate you upon proving yourself equal to the demands.

In separating from you we desire to give expression in substantial form to our appreciation of the integrity, intelligence and impartiality which have marked the administration of your high and responsible office, and on behalf of the members of this Convention the pleasing task has been assigned to me to deliver this watch to you. And now, in receiving it, Mr. President, we beg that you remember that its intricate and complex

machinery, working in perfect unison and accord, is typical of the fact that it comes to you as an offering from men of both races and of every shade of political opinion, but all citizens working for the common good and glory of South Carolina.

In conclusion, we hope that as it ticks away the fleeting time it will mark the hours filled for you with happiness and prosperity. And now the hour has arrived, if you will permit me a minute to suggest as a second thought that it would be well to remember, whenever you consult this watch, that it is high time you were married.

The PRESIDENT, in accepting this testimonial, spoke as follows:

GENTLEMEN OF THE CONVENTION: There are times, places and circumstances that bring the hearts of men together, when outside bickerings, dissensions and animosities are forgotten, and hearts that were once divided become united and beat for one body. I feel that this Convention, representing the sovereignty of South Carolina, rests in that condition to-night. It has been the cherished hope of most of us that this Convention would be the means of framing a law around which South Carolinians could unite, around which a divided people could come together and bury past differences. I feel that this has been accomplished. [Applause.] We came here with some misgivings, distrusting one another, feeling, possibly, that some of us in the heat of debate and in passion would cause wounds that would never be healed. I thank God that this has not been the case. I can say from my own heart, and I believe I but echo the sentiment of each of you, that when we leave here there will be no heart-burnings, no prejudice, but a united people once more. You have honored me. The people have honored me, and you in your representative capacity have honored me by placing me in this position; you have honored me with these resolutions, you honor me with this gift, which I shall ever cherish, and let me assure you that as its hands mark the fleeting moments of my life, as the years pass by, as the time of my departure from this world draws near, as I look at this, the fond memories of this Convention will ever arise, while watching you make a law upon which the hopes of our people for supremacy and prosperity are based. I shall turn with happiness to this memory. It shall also be a reminder, as has been suggested by the gentleman from Barnwell, of my departure from single blessedness to the realm of conjugal happiness, for I can assure you before we meet in another Constitutional Convention I shall have been married. [Laughter.] I am satisfied it will be sooner, but this is too dignified a body to make rash promises to.

In bidding you good-bye, in saying farewell, in adjourning your deliberations, let me wish you a merry Christmas and a happy New Year. May God cause His richest blessings to shine upon you and the State for which you worked so hard. I am satisfied your work will live after you. I am satisfied an honest constituency will say: "Well done, good and faithful servant."

In my rulings I have endeavored to be fair, to exhibit no passion. I realize the frailties of human nature, and realize I have not conducted myself at times as I perhaps ought to have done, but it was an error of the head and not of the heart. I thank you again for these honors. I bid you God speed. May heaven bless our State, and may we go hand in hand with one heart, one people, forever united and prosperous. [Cheers.]

Mr. IRA B. JONES, in responding to the resolution introduced by Mr. Patterson, spoke as follows :

MR. PRESIDENT : I do not rise to make a speech, but I rise simply in behalf of Vice President Talbert, who is discharging his duty at the National Capital, and in my own behalf, to thank this Convention for the pleasing testimonies which they have seen fit to give us as Vice Presidents of this Convention. It is no slight honor to have a body of such able and patriotic men show their appreciation of the services of the officers of this body. I feel it an honor to have been a Vice President of this Convention, and I thank this Convention for the expressions of appreciation voted in these resolutions. I am gratified that the assembling of this Convention, in addition to having produced a Constitution of which any South Carolinian might be proud, has been productive, if anything, of even a greater benefit than this. It has taught us all as Carolinians that at heart we love our State and love its best interests, and that we are really one people, however much we may seem to divide upon factional lines. And I am satisfied that the good work done by this Convention will not end by its adjournment, but we will all go home feeling that it was good that the people of South Carolina should have been assembled in this Convention, and feel that, even if we differ hereafter, we can differ as brethren without the bitterness of the past. We can have more respect for each other, and issues hereafter may be decided upon the forum of reason, of intelligence and merit.

On motion of Mr. BURN, Mr. G. D. Tillman was requested to address the Convention.

Mr. TILLMAN spoke as follows :

MR. PRESIDENT AND GENTLEMEN OF THE CONVENTION : I had no expectation of being invited to address the Convention on—nothing in particular and everything in general. But since I have been called on in such a complimentary manner, I would either be more or less than a man if I did not thank the Convention for such a compliment.

Mr. President, we can all hope a great deal from the Constitution we have adopted. It is not such an instrument as we would have made if we had been a free people. We are not a free people. We have not been since the war. I fear it will be some time before we can call ourselves free. I have had that fact very painfully impressed upon me for several years. If we were free, instead of having negro suffrage, we would have negro slavery. Instead of having the United States government, we would have the Confederate States government. Instead of paying $3,000,000 pension tribute, we would be receiving it. Instead of having many things that we have, we would have other and better things. But to the extent that we are permitted to govern ourselves and pay pension tribute to our conquerors, we have framed as good an organic law, take it as a whole, as the wisdom and patriotism of the State could have desired.

Perhaps, sir, if I were to speak appropriately on such an occasion as this, I ought to speak from a national point of view—about our Federal relations and about our future as forecasted by our present surroundings. But it is too vast a subject to be taken offhand.

The Convention, though, is tired out. Many of them are making preparations to go home, and I shall therefore not attempt it.

I will casually allude to a few matters in national politics which give me hope of a better future for us. One is the fact that I am satisfied that the Republican party has adopted a new departure towards the negro. The silver question has to a great extent superseded the negro question. It was the silver question that saved us from not only more reconstruction hell in 1890, but that saved the government of the United States from being revolutionized from top to bottom. The Lodge force bill, under Reed's manipulation, passed the House of Representatives and came within one vote of passing the Senate. So near did we come to having our present form of government overthrown, and yet South Carolinians were wrangling over local matters here, simply scrambling for office without any principle at stake, and didn't seem to realize how near we were to having a political volcano exploded under our feet. Free silver saved us. The free silver Senators said: "We are more interested in free silver than we are in the rights or wrongs of the negro. And as the South is almost unanimous for free silver, we would be a parcel of fools to help the Eastern States oppress the South on the negro question."

Free silver, then, saved us in 1890, and I believe, gentlemen, free silver will save us in the presence of the overwhelming Republican sentiment that now dominates the North. Not only dominates the North, but all the border slave States. Remember Delaware, Maryland, West Virginia, North Carolina, Tennessee and Missouri all went Republican at the last election on account of the Federal election laws being repealed. The free silver question will not die soon. It is a living question. It has as much vitality as the negro question ever had. Of course, Disraeli was right when he said a race issue in politics was the most vital that ever could be started. But a financial question like free silver is almost as strong. It will be years, perhaps, before the silver question is finally settled, and until it is the negro question will be relegated to the rear. The Republicans realize that the negro question is a secondary question now, and hence it was they consented to the repeal of the Federal election laws, which gave them back the Southern border States, and those border States have gone to the Republican party to stay. They have gone where they naturally belong. Hence there is no more solid Democratic South. We are to find other alliances, and economic issues are to take the place of the once great race issue. Besides, the Republicans, when they choose to exercise it, without passing any laws, can exercise great power over the South—admitting or excluding her Representatives or Senators. They will be put to the test whether they will be willing to shut the doors of Congress to the South Carolina Representatives in the present Congress.

Not feeling the necessity for it in the House, they may not do it except in some cases where they may feel it necessary to keep the negro in heart to retain the balance of power in the Northern States, which are controlled by the negro votes, because they have to do something occasionally to warm that race up. But I am satisfied they have adopted a new departure. They are divided themselves on the silver question. The East is not solid for silver. The West has a large majority of silver, and to-day the only two principles left to the Democratic party in South Carolina are enmity to Cleveland and friendship to free silver, and the silver Senators will not

permit any legislation on the negro question, and the Courts have recently shown that they are not eager to punish South Carolina. So we can reasonably hope to have some peace and quiet for a few years at least. They are going to let us alone, and if we don't pile on too much *animis opibusque parati* in attempting to assert our sovereignty they will let us have considerable elbow room. But they are a queer people, especially under the rule of Tom Reed, who at the present stands the best chance of being the next President of the United States, and if he is, I tremble at what may happen. I was laughing the other day with some gentlemen at the idea of anybody quoting the Constitution of the United States to Tom Reed if he were President. He is a very ambitions man, but there is many a slip betwixt the cup and the lip, and a better fate may be in store for this country than to have such a dangerous man for President.

I could go on and enlarge on this theme if I had dreamed that it was the pleasure of the Convention to listen to me. If I had had any idea that it was the pleasure of the gentlemen to call on me I would have presented other silver linings to the cloud that hovers over us. I do not despair for the republic. I cannot believe that the great God above us is going to desert this people and turn it over to anarchy or civil war. I believe in the sober second thought of the great Anglo-Saxon race, who will decide their differences at the ballot boxes rather than with the cartridge. I believe that we are going to have a new alignment of political parties. There is no telling what parties or factions we will have in the future. None of us need make any rash promises or assume any extreme positions as to where we will be one year hence in politics. I believe new political parties will be organized. Democracy is not dead. Its principles are eternal, and the principles announced by Jefferson, the great father of it, in his first message in 1801, have been the political bible of freemen throughout the world; it is their bible to-day, and all that we have to do is to teach our boys and young men those principles and let them always refer to them as the test of every public man and public measure. We may join the Republican party down here for motives of policy. I sometimes think that if we had joined the Republican party just after the war it might have been better for us, but we could not do it. We were too honest and too proud. We had to come down sorter by degrees.

Now, our party has been almost disbanded by the treachery of Cleveland and the policy of the Republican party. There is no change of heart in them. They never went back on the negro from principle; it was policy. Their gold bugs would insist that silver should be destroyed as money, and their own people revolted at it because they were not willing to have white slavery established by those who wished to regulate wages by controlling the amount of money in circulation. That is what saved us once; it is what saves us now. It is what will save us for many years in the future, which shows that God in His mysterious way works out things to the right end in the long run. There are general causes which, under the same circumstances, with the same men, will work out the same results. Those causes have been at work for our good as well as for our harm in some respects.

Mr. President, this is perhaps the last time I shall ever talk in a deliberative assembly of my countrymen. I am done with public life. As I remarked on a previous occasion, I have enjoyed far more than the average

share of public honor. My ambitions have been gratified. I have nothing to regret except that I could not do more for my country.

In our debates here I perhaps may, in the heat of the moment, have said things in a tone of irritation, or made remarks that had better not been uttered. There was no personal feeling if I did so. It was but the impulse of an honest heart trying to speak the truth as it was understood by me. If I have hurt any member's feelings in any way, either in debate or in free personal intercourse, I beg his pardon. For the few years that are left me, sir, I shall always cherish the remembrances of this Convention with pleasure. I believe I speak what every member on this floor feels in his heart when I say from the first day when we met here to the present hour the Convention has become more and more consolidated as one man, and inspired by one purpose, stimulated by one effort: to do the best we could for our old mother State, showing that we never have been divided on principle during the last six years of strife, and that our politics have been based upon men and not measures, personalities and not principles, and true Democracy as defined by Jefferson demands measures, not men.

It must be a source of great gratification to every member here and to their constituents at home to see with what unanimity, with what courteousness, and yet with what independence of action their representatives in this body have made the Constitution which we have just ratified. It is a rainbow of hope that the State may hereafter be united, as in the past, as one man. For remember, my countrymen, it took all the efforts we could lay forth in '76, and for many years thereafter, to control this State; and if we become divided, as I fear we may be, and as I hope we will not for some time to come, we may find it still more difficult—I won't say impossible. I have an abiding faith in the Anglo-Saxon race, as there never has been a considerable number of them together anywhere that they did not dominate any race with which they came in contact; and whatever may happen, I have faith that they will rule. But as I said, let us never forget that it took the combined forces of all the men, women and children in South Carolina to get and keep control, and that we ought to try in a spirit of self-sacrifice to come together here as we were in '76.

Gentlemen, I will not detain you longer. I thank you for the high compliment you have paid me. Would to God I could have done more in my feeble way to help on the labors of this body. I have done my best, and so have you all. I hope that as South Carolinians, as white men and Democrats, we will go on as prosperously in the future as we ever have in the past. And no matter what shall betide us in the future, I believe we can meet any fate, and nothing can go amiss with us unless we forget that we are white men, Carolinians and Democrats. [Prolonged applause.]

Mr. W. D. EVANS moved that the proceedings of the Convention be closed with prayer by one of the Chaplains; which was agreed to.

Mr. BREAZEALE moved that before the closing prayer be offered the Convention join in the singing of the hymn "God be with you till we meet again," and that the Assistant Secretary, Mr. P. L. Melton, be requested to lead the singing; which was agreed to.

After prayer by Mr. PARROTT,

On motion of Mr. CONNOR, the Convention, at 10 P. M., adjourned *sine die*.

Roll of Members of the South Carolina Constitutional Convention, 1895.

Name.	County.	Postoffice.	Occupation.
I. H. McCalla	Abbeville	Lowndesville	Farmer.
Frank B. Gary	Abbeville	Abbeville	Lawyer.
Robert R. Hemphill	Abbeville	Abbeville	Editor.
R. F. McCaslan	Abbeville	Ninety-Six	Farmer.
W. C. McGowan	Abbeville	Abbeville	Lawyer.
J. C. Klugh	Abbeville	Abbeville	Lawyer.
John Gary Evans	Aiken	Aiken	Lawyer.
F. P. Woodward	Aiken	Mossy	Farmer.
R. L. Gunter	Aiken	Wagener	Lawyer.
D. S. Henderson	Aiken	Aiken	Attorney at Law.
J. E. Breazeale	Anderson	Anderson	Lawyer.
J. M. Sullivan	Anderson	Anderson	Merchant.
J. Perry Glenn	Anderson	Equality	Farmer.
D. H. Russell	Anderson	Anderson	Editor.
Geo. E. Prince	Anderson	Anderson	Lawyer.
L. D. Harris	Anderson	Belton	Farmer.
Robert Aldrich	Barnwell	Barnwell C. H.	Lawyer.
Geo. H. Bates	Barnwell	Barnwell C. H.	Lawyer.
G. Duncan Bellinger	Barnwell	Barnwell C. H.	Lawyer.
A. Howard Patterson	Barnwell	Barnwell C. H.	Lawyer.
Winchester C. Smith	Barnwell	Williston	Physician.
C. M. Hiers	Barnwell	Allendale	Banker and Farmer.

Roll of Members of the South Carolina Constitutional Convention.—Continued.

Name.	County.	Postoffice.	Occupation.
James Wigg	Beaufort	Beaufort	Merchant.
W. J. Whipper	Beaufort	Beaufort	Lawyer.
Thos. E. Miller	Beaufort	Grahamville	Lawyer.
Isaiah R. Reed	Beaufort	Beaufort, S. C.	Attorney at Law.
Robert Smalls	Beaufort	Beaufort, S. C.	.....
E. J. Dennis	Berkeley	Bonneau's	Attorney at Law.
William Henderson	Berkeley	Honey Hill	Farmer.
H. H. Murray	Berkeley	Long Ridge	Farmer.
R. C. McMakin	Berkeley	St. Stephen's	Farmer.
A. H. DeHay	Berkeley	Monck's Corner	Farmer and School Commissioner.
J. B. Morrison	Berkeley	Monck's Corner	Farmer.
Jas. B. Wiggins	Berkeley	Holly Hill	Farmer.
Theodore G. Barker	Charleston	Charleston	Lawyer.
Jos. L. Oliver	Charleston	Charleston	Merchant.
A. S. Farrow	Charleston	Charleston	Lawyer.
W. M. Fitch	Charleston	Charleston	Lawyer.
Geo. F. von Kolnitz, Jr	Charleston	Charleston	Lawyer.
J. N. Nathans	Charleston	Charleston	Lawyer.
W. St. Julien Jervey	Charleston	Charleston	Lawyer.
J. P. K. Bryan	Charleston	Charleston	Lawyer.
Julian Mitchell	Charleston	Charleston	Lawyer.
J. L. Glenn	Chester	Chester	Lawyer.
R. O. Atkinson	Chester	Lowrysville	Farmer.
Geo. Williams Gage	Chester	Chester	Lawyer.

Roll of Members of the South Carolina Constitutional Convention.—Continued.

Name.	County.	Postoffice.	Occupation.
T. J. Cunningham	Chester	Douglass	Farmer.
F. P. Taylor	Chesterfield	Mt. Croghan	Farmer.
E. N. Redfearn	Chesterfield	Chesterfield C. H.	Farmer.
E. J. Kennedy	Chesterfield	Chesterfield	Attorney at Law.
Daniel J. Bradham	Clarendon	Clarendon	Farmer.
J. W. Kennedy	Clarendon	New Zion	Farmer.
J. S. Cantey	Clarendon	Summerton	Farmer.
J. M. Sprott	Clarendon	Jordan	Farmer.
M. R. Cooper	Colleton	Adams Run	Manufacturer and Farmer.
E. W. Garris	Colleton	Smoak's	Farmer.
D. H. Behre	Colleton	Walterboro	Editor.
M. P. Howell	Colleton	Walterboro	Lawyer.
L. E. Parler	Colleton	St. George's	Farmer.
J. O. A. Moore	Darlington	Darlington	Broker.
Henry C. Burn	Darlington	Society Hill	Farmer.
Jos. N. Parrott	Darlington	Darlington	Farmer.
A. J. A. Perritt	Darlington	Lamar	Teaching.
W. J. Talbert	Edgefield	Parksville	Farmer.
W. H. Timmerman	Edgefield	Timmerman	Physician and Farmer.
G. D. Tillman	Edgefield	Clark's Hill	Farmer.
B. R. Tillman	Edgefield	Trenton	Farmer.
J. C. Sheppard	Edgefield	Edgefield C. H.	Lawyer.
R. B. Watson	Edgefield	Ridge Spring	Farmer and Fruit Grower.
G. W. Ragsdale	Fairfield	Winnsboro	Lawyer.

Roll of Members of the South Carolina Constitutional Convention.—Continued.

NAME.	COUNTY.	POSTOFFICE.	OCCUPATION.
W. L. Rosborough	Fairfield	Albion	Farmer.
Thos. W. Brice	Fairfield	Woodward's	Farmer.
R. A. Meares	Fairfield	Ridgeway	Lawyer.
R. M. McCown	Florence	Florence	Farmer.
B. B. McWhite	Florence	Bostick's	Farmer.
J. O. Byrd	Florence	Timmonsville	Physician.
W. F. Clayton	Florence	Florence	Lawyer.
I. Harleston Read	Georgetown	Georgetown	Planter.
E. F. Mathews	Georgetown	Sampit	Farmer.
R. B. Anderson	Georgetown	Georgetown, S. C.	Teacher.
G. G. Wells	Greenville	Greenville, S. C.	Lawyer.
J. Walter Gray	Greenville	Greenville	Lawyer.
H. M. Barton	Greenville	Chick Springs	Farmer.
J. Thomas Austin	Greenville	Greenville	Reg. Mesne Conveyance and Farmer.
H. B. Buist	Greenville	Greenville	Farmer.
H. J. Haynsworth	Greenville	Greenville	Lawyer.
W. J. Gooding	Hampton	Hampton	Farmer.
A. J. Harrison	Hampton	Hampton	Farmer.
C. J. C. Hutson	Hampton	Yemassee	Lawyer.
John P. Derham	Horry	Powellville	Farmer.
J. A. McDermotte	Horry	Conway	Farmer.
Jeremiah Smith	Horry	Socastee	Farmer.
C. L. Winkler	Kershaw	Camden	Lawyer.
J. W. Floyd	Kershaw	Liberty Hill	Farmer.

Roll of Members of the South Carolina Constitutional Convention.—Continued.

Name.	County.	Postoffice.	Occupation.
J. T. Hay	Kershaw	Camden	Lawyer.
Ira B. Jones	Lancaster	Lancaster	Lawyer.
J. N. Estridge	Lancaster	White Bluff	Farmer.
J. W. Hamel	Lancaster	Kershaw	Editor.
John L. M. Irby	Laurens	Laurens	Farmer.
J. H. Wharton	Laurens	Waterloo	Farmer.
Alex. J. Smith	Laurens	Lisbon	Farmer.
R. L. Henry	Laurens	Power	Farmer.
C. M. Efird	Lexington	Lexington	Lawyer.
J. L. Shuler	Lexington	Selwood	Physician and Farmer.
E. L. Lybrand	Lexington	New Brookland	Minister.
E. B. Berry	Marion	Sellers	Farmer.
W. J. Montgomery	Marion	Marion, S. C.	Attorney.
J. E. Ellerbe	Marion	Sellers, S. C.	Farmer.
J. D. Montgomery	Marion	Marion, S. C.	Farmer.
T. E. Dudley	Marlboro	Bennettsville	Lawyer and Farmer.
T. Irby Rogers	Marlboro	Bennettsville	Lawyer.
W. D. Evans	Marlboro	Bennettsville	Farmer.
R. H. Hodges	Marlboro	Bennettsville	Farmer.
George Johnstone	Newberry	Newberry	Lawyer.
Geo. S. Mower	Newberry	Newberry	Lawyer.
Jos. L. Keitt	Newberry	Sondley's	Farmer.
J. A. Sligh	Newberry	Sligh's	Farmer and Minister.
J. C. Alexander	Oconee	Seneca	Farmer.

Roll of Members of the South Carolina Coustitutional Convention.—Continued.

NAME.	COUNTY.	POSTOFFICE.	OCCUPATION.
Wm. J. Stribling	Oconee	Walhalla	Lawyer.
O. M. Doyle	Oconee	Seneca	Physician and Surgeon.
J. Wm. Stokes	Orangeburg	Orangeburg	Farmer.
L. S. Connor	Orangeburg	Orangeburg	Farmer and Mechanic.
A. K. Smoke	Orangeburg	St. Matthew's	Farmer.
E. H. Houser	Orangeburg	Orangeburg	Farmer.
Oscar R. Lowman	Orangeburg	Orangeburg	Physician and Merchant.
I. W. Bowman	Orangeburg	Orangeburg	Lawyer.
Wm. T. Field	Pickens	Field	Farmer.
W. T. Bowen	Pickens	Pickens	Farmer.
R. Frank Smith	Pickens	Easley	Physician.
Wilie Jones	Richland	Columbia, S C	Cashier Carolina National Bank.
H. C. Patton	Richland	Columbia	Lawyer.
John B. Dent	Richland	Columbia	Manu. Naval Stores and Farmer.
John T. Sloan	Richland	Columbia, S. C	Lawyer.
John J. McMahan	Richland	Columbia, S. C	Lawyer.
Stanyarne Wilson	Spartanburg	Spartanburg	Lawyer.
M. O. Rowland	Spartanburg	Boiling Springs	Physician and Farmer.
T. Earle Johnson	Spartanburg	Paris	Farmer and Surveyor.
A. S. Waters	Spartanburg	Gaffney	Farmer.
C. A. Barry	Spartanburg	Moore	Farmer.
W. T. Bobo	Spartanburg	Cross Anchor	Farmer.
W. E. Carver	Spartanburg	Fair Forest	Farmer.
T. B. Fraser	Sumter	Sumter	Lawyer.

Roll of Members of the South Carolina Constitutional Convention.—Concluded.

NAME.	COUNTY.	POSTOFFICE.	OCCUPATION.
Shepard Nash	Sumter	Sumter	Clerk of Court and Farmer.
Geo. P. McKagen, Sr	Sumter	Sumter	Pharmacist.
R. P. Stackhouse	Sumter	Oswego, Sumter Co	Farmer.
Richard D. Lee	Sumter	Sumter, S. C	Lawyer.
Jas. H. Scarborough	Sumter	Bishopville	Farmer.
C. H. Peake	Union	Union	Lawyer.
J. T. Douglass	Union	Union	Farmer.
Wm. A. Nicholson	Union	Union	Banker.
J. C. Otts	Union	Union	Farmer.
Thos. M. Gilland	Williamsburg	Kingstree	Lawyer.
Wm. R. Singletary	Williamsburg	Scranton	Farmer and General Merchandise.
S. W. Gamble	Williamsburg	Gourdin's	Physician.
George J. Graham	Williamsburg	Cooper	Farmer.
A. H. White	York	Rock Hill	Farmer.
Samuel E. White	York	Fort Mill	Banker, Manufacturer and Planter.
J. Steele Brice	York	Yorkville	Attorney at Law.
J. Frank Ashe	York	McConnellsville	Farmer.
W. Blackburn Wilson	York	Rock Hill	Lawyer.

Attest:

S. W. VANCE,
Secretary of the Convention.

JOHN GARY EVANS,
President of the Convention.

INDEX.

PAGE

General Index 2
Roll of Members, giving postoffice and occupation 735
Articles, Ordinances and Resolutions introduced in the Constitutional Convention 13
Resolutions 31
Resolutions relating to the organization and to facilitate the proceedings of the Convention 28

CLASSIFIED INDEX.

Ordinances and Resolutions acted on without reference 32
Ordinances and Resolutions acted on by the Committee on—
Declaration of Rights 36
Right of Suffrage 37
Legislative Department 39
Executive Department 42
Judicial Department 43
Jurisprudence 46
Counties and County Government 47
Municipal Corporations and Police Regulations 50
Corporations 52
Finance and Taxation 53
Education 55
Charitable and Penal Institutions 57
Militia 58
Eminent Domain 58
Impeachment 59
Amendment and Revision 60
Miscellaneous Matters 61
Public Printing 63
Contingent Accounts and Expenses 64

NOTE.—Ordinances and Resolutions will be found printed on the page upon which they are marked "introduced" unless otherwise noted.

An asterisk (*) indicates an aye and nay vote wherever it occurs in index.

J. T. GANTT,
Journal Clerk.

GENERAL INDEX.

A.

PAGE.

Accounts. [See Committee on Contingent Accounts, etc.]
Addresses—
Hon. Robert Aldrich, temporary President, upon assuming the chair.. ..... 1, 2
Hon. John Gary Evans, President, upon assuming the chair. 9, 19
expressing thanks for resolution of confidence..... 206
in Committee of the Whole..... 730
Mrs. Viola Neblett, Miss Laura Clay and Mrs. V. D. Young..... 129
Messrs. McWhite, Timmerman, Burn, McCown and Talbert, upon death of Dr. J. O. Byrd..... 349, 350, 351, 352
Messrs. W. D. Evans, Ellerbe, Burn, Rogers and B. R. Tillman, upon death of Hon. R. H. Hodges..... 399, 400, 401
Hon. B. R. Tillman, on adoption of Suffrage Article..... 443, 481
Hon. Geo. Johnstone, in Committee of the Whole..... 729
Hon. G. D. Bellinger, in Committee of the Whole. 729, 730
Hon. Ira B. Jones, in Committee of the Whole..... 731
Hon. G. D. Tillman, on adoption of Suffrage Article..... 480, 481
in Committee of the Whole... ..... 731, 732
Hon. J. C. Sheppard, on adoption of Suffrage Article..... 476, 477, 478, 479, 480
Hon. Robert Smalls, on adoption of Suffrage Article... ..... 473, 476
Adjournment, aye and nay votes upon. [See Motions to Adjourn.]
Age of consent, petition relative to. [See Petitions, etc.]
Aldrich, Robert, credentials received. 3
elected temporary President. 1
address of, upon assuming the chair. 1, 2
draft of Constitution introduced by... 35
leaves of absence granted to..... 205, 485, 520, 560
Alexander, J. C., credentials received. 7
leave of absence granted to..... 570
Allotment of seats. 14, 15
Amendment, Committee on. [See Classified Index.]
Anderson, R. B., credentials received..... 5
Appointments—
Assistant Secretary—P. L. Melton..... 17
Journal Clerk—J. T. Gantt... 17
Doorkeeper—R. M Jolly..... 17
Assistant Doorkeeper—Joseph Witherspoon.. 17
Gallery Doorkeeper—W. J. Shelton..... 17
Postal Clerk—E. P. Jenkins... 17
Pages—Glenn Smith, Joseph Robinson, J. B. Hughes, Belton Drafts Caughman, J. W. McCalla, U. R. Brooks, Jr..... 17
Laborers—W. W. Lazenberry, West Oliphant..... 17
Second Assistant Secretary—H. R. Flanigan..... 81
Laborers—Council Cross, Damon Cantey..... 81
Chief Clerk of the Engrossing Department—W. H. Yeldell..... 99
Bill Clerk—D. H. Witherspoon... 99
Clerk of the Committee on Declaration of Rights—G. P. Smith..... 132
Clerk of the Committee on Executive Department—Arthur Harman..... 132
Clerk of the Committee on Counties and County Government—G. H. Charles..... 132
Clerk of the Committee on Legislative Department—J. W. Wessinger..... 132
Clerk of the Committee on Judicial Department—W. B. Evans..... 132
Clerk of the Committee on Education—Levi David..... 132
Clerk of the Committee on Suffrage—B. M. Crouch..... 132
Clerk of the Committee on Miscellaneous Matters—E. W. Townsend..... 132
Clerk of the Committee on Finance and Taxation—R. C. Freeman.. 132
Ashe, J. F., credentials received 8
leave of absence granted to..... 205
Assistant Secretary, resolution authorizing appointment of..... 14
appointment of P. L. Melton..... 17
Atkinson, R. O., credentials received..... 4
leave of absence granted to..... 344
Atlanta Exposition, communication from Hon. W. D. Mayfield relative to..... 594
motion to attend in a body (Mr. Efird)..... 594
Austin, J. T., credentials received 5
minority report of, with others, relating to Counties 255

B.

PAGE.

Barker, T. G., credentials received 4
leaves of absence granted to 81, 287, 520, 560
reason for voting on question relating to change of venue 506
editorial in "The State" newspaper 159
damages for lynchings 656
Barry, C. A., credentials received 7
Barton, Hugh M., credentials received 5
reason for voting, relating to liability of Counties for damages for lynching 528
Bates, G. H., credentials received 3
leaves of absence granted to 205, 267, 303, 633
reason for voting, relating to editorial in "The State" newspaper 157
Behre, D. H., credentials received 4
leave of absence granted to 491
reason for voting on question of printing 99
Bellinger, G. D., credentials received 3
leaves of absence granted to 365, 525
address of, in Committee of the Whole 729
Berry, E. B., credentials received 6
leaves of absence granted to 81, 205, 485, 571
Bobo, W. T., credentials received 7
leaves of absence granted to 155, 552, 652
Bowen, W. T., credentials received 7
Bowman, I. W., credentials received 7
leaves of absence granted to 205
appointed on Investigating Committee 271
Bradham, D. J., credentials received 4
leaves of absence granted to 339, 442, 520, 560, 633, 695
Breazeale, J. E., credentials received 3
leaves of absence granted to 560
reason for voting on exemption of Rock Hill from provisions for new Counties 667, 668
Brice, J. S., credentials received 8
leaves of absence granted to 176, 232, 510, 695, 702
personal privilege, statement of 727
Brice, T. W., credentials received 5
leaves of absence granted to 98, 320, 370, 412, 560, 633
Brooks, U. R., appointed Page 17
Bryan, Hon. George S., resolutions relating to death of 288
Bryan, J. P. K., credentials received 4
reason for voting on resolution relating to editorial in "The State" newspaper 160
Bryan, R. L. & Co., account of. [See Committee on Contingent Accounts, etc.]
Buist, H. B., credentials received 5
Burn, H. C., credentials received 5
leave of absence granted to 259
address upon death of Hon. J. O. Byrd 349
reason for voting, on ratification of Constitution 725
Convention * refuses to give 10 minutes 615
protest of members upon refusal of Convention to grant 10 minutes to 629
protest of 5
Byrd, J. O., credentials received 5
leaves of absence granted to 205
resolutions relating to death of 338
vacancy caused by death of 339
memorial page dedicated to 352
exercises, addresses of Mr. McWhite 349
Mr. Timmerman 349
Mr. Burn 349
Mr. McCown 350
Mr. Talbert 351

C.

Calvo, Charles A., Jr., elected printer for the Convention 74
accounts of. [See Committee on Contingent Accounts and Expenses.]
Cantey, Damon, appointment of, as laborer 81
Cantey, J. S., credentials received 4
leaves of absence granted to 205, 321, 338, 442, 499, 571, 651
Carver, W. E., credentials received 7
leaves of absence granted to 442, 510
Caughman, Belton Drafts, appointment of, as Page 17
Charles, G. H., appointment of, as Clerk of the Committee on Counties and County Government 133
Charleston Reformatory School, petition from. [See "Petitions, etc."]
Charitable and Penal Institutions, Committee on. [See Classified Index.]
Clay, Miss Laura, address of 129
Clayton, W. F., credentials received 5
leaves of absence granted to 205, 338, 378, 436, 498
medical certificate received from 378
reason for voting, relating to Homestead and Steering Committee 613

PAGE.

Columbia Electric Street Railway Company, account of. [See Committee on Contingent Accounts, etc.]
Committee of the Whole, proceedings in—
Resolutions of Mr. Patterson ... 728
Mr. Montgomery ... 728
Address of Mr. Montgomery ... 728
Motion of thanks, by Mr. McGowan ... 728
Resolution of Mr. Otts ... 729
Address of Mr. Geo. Johnstone ... 729
Mr. Bellinger ... 729
the President ... 730
Mr. Ira B. Jones ... 731
Mr. Geo. D. Tillman ... 731, 732, 733, 734
Committees, standing, resolution authorizing appointment of ... 14, 15
list of ... 20, 26
Engrossed Resolutions and Ordinances, reports of, 262, 299, 321, 331, 356, 416, 425, 497, 498, 520, 568, 571, 616, 617, 631, 658, 663, 665, 685
Style, Order and Revision, reports of—
on various ordinances ... 243, 355, 704, 705, 706
on the Constitution as a whole ... 706, 723
on expenses during recess ... 724, 725
on enrollment of Constitution ... 726
recommending various resolutions. [See Fraser.]
Contingent Accounts and Expenses, reports of—
on resolutions relating to the payment of Commissioners and Managers of the election for delegates to the Constitutional Convention. [Introduced on p. 37; printed on p. 58; introduced on p. 206] ... 700
on Various Accounts:
C. A. Calvo, Jr., for printing—$404.36, pp. 177, 209, 228; $12.75, pp. 262, 380; $362.92, pp. 262, 474; $357.15, 324, 334; $298.66, pp. 398, 406; $298.66, pp. 499, 510; $311.68, pp. 566, 571, 572; $322.53, pp. 703, 713; $248.48 ... 634, 650
W. J. Duffie, for stationery—$7 ... 523, 650
W. H. McFeat, for stenographic work—$25 ... 665
R. L. Bryan & Co., for stationery—$31.10, pp. 699, 713; $5, p. 704; $139.10 ... 552, 553, 597
J. W. Gibbes Stationery Co., for stationery—$77.50, pp. 217, 253
Columbia Electric Street Railway Co., for lights—$700, 602, 650
J. C. Stanley & Bro., for supplies—65c ... 704
N. H. Stansell, Sergeant-at-Arms—$123.78, p. 699; $51 ... 704
Arthur P. Harmon, Clerk Committee, $32 ... 253, 245
Rules, reports of—
recommending adoption of a system of rules ... 27, 33, 79, 80
regarding engrossing ... 33
recommending amendment to Rule XLI ... 244
recommending adoption of a resolution as to the hours of the sessions ... 274
recommending the adoption of Rule No. 32 ... 373
resolution relating to the preservation of ordinances, resolutions, etc., and the distribution of printed copies of the same ... 373
reporting various rules to facilitate the proceedings, 543, 544, 545
Special, to investigate a reported assault upon a citizen by the name of Anderson ... 271
Steering, resolution appointing same ... *596
report of, p. 603; *on adoption of same ... 606, 607
report of ... 664, 701
motion to dispense with ... 632
protests against ... 631, 632
Printing, reports of—
on "resolution relating to the Public Printer and printing." [Introduced, page 18.] ... 74
on resolution as to the cost of stenographic report. [Printed, p. 75; introduced, p. 18.] ... 75
on resolution relating to printing and public supplies. [Introduced, p. 122.] ... 175
[For reports of Committees on Declaration of Rights, Executive Department, Legislative Department, Judicial Department, Jurisprudence, Eminent Domain, Impeachment, Right of Suffrage, Finance and Taxation, Education, Charitable and Penal Institutions, Municipal Corporations and Police Regulations, Corporations, Militia, Miscellaneous Matters, Counties and County Government, and Amendments, see Classified Index.]
Confederate Veterans, petitions from. [See "Petitions, etc."]
Connor, L. S., credentials received ... 7
leaves of absence granted to ... 129, 205, 413, 442, 556
Constitution, draft of, submitted by Robert Aldrich ... 35
report of Committee on Style, Order and Revision upon ... 706, 723
ratification of, final vote upon ... *725

PAGE.

Contest of James Thorpe et al. against T. M. Gilland et al.—
introduction of papers relative to..... 34
report of Committee on Rights of Suffrage upon..... 153
Contingent Accounts and Expenses, reports of Committee upon. [See "Committees."]
Cooper, M. R., credentials received..... 4
leaves of absence granted to.....176, 303, 370, 695
Corporations, Committee on. [See Classified Index.]
Municipal. [See Classified Index.]
Counties and County Government, Committee on. [See Classified Index.]
Crouch, B. W., appointment of, as Clerk of the Committee on Right of Suffrage..... 132
Cross, Council, appointment of, as laborer..... 81
Cuban patriots, resolution expressing sympathy with 272, 336
Cunningham, T. J., credentials received..... 4
leaves of absence granted to.....272, 686

D.

Dagnall, A. H., election of, as Reading Clerk.....13, 14
David, Levi, appointment of, as Clerk of the Committee on Education..... 132
Declaration of Rights, Committee on. [See Classified Index.]
DeHay, N. H., credentials received 3
leaves of absence granted to.....571, 686
Delegates, Roll of, as credentials were received..... 3-8
list of, giving postoffice address and occupation, as provided for under special resolution 735, 741
Dennis, E, J., credentials received 3
leaves of absence granted to 575, 686
Dent, J. B., credentials received..... 7
leave of absence granted..... 664
Derham, J. P., credentials received..... 6
reason for voting on Suffrage Article 518
reason for voting on provision allowing political parties representation on Boards of Managers..... 518
Doorkeepers, resolution authorizing appointment of 17
appointment of R. M. Jolly, Joseph Witherspoon and W. J. Shelton..... 17
Douglass, J. T., credentials received..... 8
Doyle, O. M., credentials received 7
leaves of absence granted to. 571
reason for voting on resolutions relating to an editorial in "The State" newspaper.... 161
Draft of Constitution, submitted by Robert Aldrich..... 35
Dudley, T. E., credentials received..... 6
leave of absence granted to..... 544
reason for voting, on resolution relating to an editorial in "The State" newspaper. 160
Suffrage Article..... 517
provision allowing political parties representation on Boards of Managers..... 517
ratification of Constitution 726
Duffie, W. J., account of. [See Committee on Contingent Accounts, etc.]

E.

Education, Committee on. [See Classified Index.]
Efird, C. M., credentials received..... 6
leave of absence granted to 535
minority report of, with others, on Executive Department..... 200
Election of President..... 8
two Vice Presidents, a Secretary and a Sergeant-at-Arms..... 9
Reading Clerk.....13, 14
Printer for the Convention. [See Classified Index, "Printing."]
Ellerbe, J. E., credentials received..... 6
leaves of absence granted to.....205, 442, 571
Eminent Domain, Committee on. [See Classified Index.]
Estridge, J. N., credentials received..... 6
leaves of absence granted to 571, 610
Evans, Hon. John Gary, credentials received..... 3
elected President..... 8
address of, upon assuming the chair.....9-13
expressing thanks upon passage of a resolution relating to an editorial in "The State" newspaper. 206
in Committee of the Whole..... 730
Evans, W. B., appointment of, as Clerk of the Committee on Judicial Department..... 132
Evans, W. D., credentials received..... 6
leaves of absence granted to 491, 510
reason for voting on provision allowing political parties representation on Boards of Managers..... 518
reason for voting on Suffrage Article..... 518
appointed on Steering Committee. 596
Executive Department, Committee on. [See Classified Index.]
Expenses. [See Committee on Contingent Accounts and Expenses.]

PAGE.

F.

Farrow, A. S., credentials received ... 4
leaves of absence granted to ... 382, 575
Field, W. T., credentials received ... 7
Finance and Taxation, Committee on. [See Classified Index.]
Fitch, W. M., credentials received ... 4
leaves of absence granted to ... 205, 242, 525
reason for voting on resolution relating to an editorial in "The State" newspaper ... 159
Flanigan, H. R., appointment of, as Assistant Secretary ... 81
Floyd, J. W., credentials received ... 6
Fraser, T. B., credentials received ... 8
leave of absence granted to ... 525
Freeman, R. L., appointment of, as Clerk of the Committee on Finance and Taxation ... 132

G.

Gage, G. W., credentials received ... 4
leave of absence granted to ... 413
reason for voting on resolution relating to editorial in "The State" newspaper ... 160
on Section making corporations liable for damages on account of negligence ... 536
on Section 38, Legislative Article ... 691
Gamble, W. S., credentials received ... 38
leaves of absence granted to ... 205, 222, 344, 485, 571
Gantt, J T., appointment of, as Journal Clerk ... 17
Garris, C. W., credentials received ... 4
leaves of absence granted to ... 176, 320, 436
Gary, F. B., credentials received ... 3
leaves of absence granted to ... 129, 571
statement of, relative to vote on ratification of Constitution ... 726
Gibbes Stationery Company, The J. W., accounts of. [See Committee on Contingent Accounts, etc.]
Gilland, T. M., credentials reeceived ... 8
leaves of absence granted to ... 386, 560, 579, 686
Glenn, J. L., credentials received ... 4
leave of absence granted to ... 205
Glenn, J. P., credentials received ... 3
leave of absence granted to ... 205, 510, 695
Gooding, W. J., credentials received ... 6
Graham, G. J., credentials received ... 8
leave of absence granted to. ... 339
Gray, J. W., credentials received ... 5
reasons for voting on Suffrage Article ... 518
on provision allowing political parties representation on Boards of Managers ... 518
Gunter, R. L., credentials received ... 3

H.

Hamel, J. W., credentials received ... 6
leaves of absence granted to ... 338, 386
reason for voting on provision allowing political parties representation on Board of Managers ... 517
on Suffrage Article ... 517
on adoption 4th Section Suffrage Article. ... 484
Harmon, Arthur, appointment of, as Clerk of the Committee on Executive Department ... 132
resignation of. ... 253
account of. [See Committee on Contingent Accounts, &c.]
Harris, L. D., credentials received ... 3
leave of absence granted to ... 535
Harrison, A. J., credentials received ... 6
leave of absence granted to. ... 560
minority report of, on Article relating to Counties, 255; withdrawn ... 378
Hay, J. T., credentials received ... 6
leaves of absence granted to ... 205, 560
Haynsworth, H. J., credentials received ... 5
leaves of absence granted to ... 205, 652
Hemphill, R. R., credentials received ... 3
leaves of absence granted to. ... 205, 283, 320
Henderson, D. S., credentials received ... 3
leaves of absence granted to. ... 205, 359, 406
Henderson, Wm., credentials received ... 3
leaves of absence granted to ... 386, 560, 695

PAGE.

Henry, R. L., credentials received 6
added to certain Committees. 99, 115
statement of, relative to vote on ratification of Constitution 726
Hiers, C. M., credentials received 3
leaves of absence granted to. 176, 378
medical certificate received from 398
Hodges, R. H., credentials received 6
leave of absence granted to 338
resolutions relating to death of 385, 402
memorial page dedicated to 403
exercises, addresses of Mr. W. D. Evans 399
Mr. J. E. Ellerbe 400
Mr. H. C. Burn 400
Mr. T. I. Rodgers 400
Mr. B. R Tillman 401
Houser, E. H., credentials received. 7
leaves of absence granted to 272, 370, 442, 518, 560, 578, 633, 695
Howell, M. P., credentials received 4
leaves of absence granted to 155, 407, 485, 560, 695
Hughes, J. B., appointment of, as Page 17
Hutson, C. J. C., credentials received 6
leaves of absence granted to 98, 530
statement of, relative to vote on ratification of Constitution 726
excused from Committee on Style, Order and Revision. 701

I.

Impeachment, Committee or. [See Classified Index.]
Irby, J. L. M. credentials received. 6
leaves of absence granted to 176, 272, 370, 499

J.

Jenkins, E. P., appointed Postal Clerk 17
Jervey, W. St. J., credentials received. 4
leaves of absence granted to 205, 436, 640
substitute for report of Committee on Judicial Department proposed by, 624, 625, 626, 627, 628
Johnson, T. E., credentials received 7
reason for voting on adoption 4th Section Suffrage Article 484
on provision allowing political parties representation on Board of Election Managers 518
on Suffrage Article 518
Johnstone, George, credentials received 7
reason for voting on resolution relating to an editorial in "The State" newspaper .. 159
address of, in Committee of the Whole 729
appointed on Steering Committee 596
Jolly, R. M., appointed Doorkeeper 17
Jones, Ira B., credentials received 6
leaves of absence granted to 129, 442
elected Vice President 9
resolutions relating to death of daughter of 226
address of, in Committee of the Whole 731
reason for voting on amendment making support of Winthrop College compulsory 684
Jones, Wilie, credentials received 7
Journal Clerk, resolution authorizing appointment of. 14
appointment of J. T. Gantt 17
Judicial Department, Committee on. [See Classified Index.]
Jurisprudence, Committee on. [See Classified Index.]

K.

Keitt, J. L., credentials received 7
leaves of absence granted to 518, 570 677
Kennedy, E. J., credentials received 4
minority report of, on education 305
reasons for voting on resolutions relating to editorial in "The State" newspaper 160
on increase in the poll tax 563
to make support of higher institutions of learning compulsory 577
on amendment making support of Winthrop College compulsory. 682
Kennedy, J. W., credentials received. 4
leaves of absence granted to 499, 633
Klugh, J. C., credentials received. 3
leaves of absence granted to 98, 205 520
statement of, relative to vote on ratification of Constitution 726
reasons for voting on motion to extend Mr. Burn's time. 613

PAGE.

L.

Laborers, resolution authorizing appointment of ... 17
appointment of, W. W. Lazenberry and West Oliphant ... 17
Lazenberry, W. W., appointed Laborer ... 17
Leaves of absence rescinded ... 356
motion to rescind ... 525
resolution relating to ... 205
Lee, R. D., credentials received ... 8
Legislative Department, Committee on. [See Classified Index.]
Limestone County, petition for creation of ... 82
List of Committees. [See "Committees."]
List of Delegates. [See "Delegates."]
Lowman, O. R., credentials received ... 7
Lybrand, E. S., credentials received ... 6
leaves of absence granted to ... 98, 158, 291 365

M.

Macfeat, account of. [See Committee on Contingent Accounts, etc.]
Matthews, E. F., credentials received ... 5
leave of absence granted to ... 560, 597
Mayfield, Hon. W. D., communication from, relative to Atlanta Exposition ... 594
McCalla, I. H., credentials received ... 3
leaves of absence granted to ... 272, 407, 518, 560
appointed on Investigating Committee ... 271
McCalla, J. W., appointment of, as Page ... 17
McCaslan, R. F., credentials received ... 3
leave of absence granted to ... 378
reason for voting on question of election of Judges by the people ... 636
McCown, R. M., credentials received ... 5
leaves of absence granted to ... 205, 336, 544
address upon death of Dr. J. O. Byrd ... 250
McDermotte, J. A., credentials received ... 6
leaves of absence granted to ... 232
reason for voting on adoption of Suffrage Article ... 517
reason for voting on provision allowing political parties representation on Board of Election Managers ... 517
McGowan, W. S., credentials received ... 3
leave of absence granted to ... 205
McKagen, G. P., credentials received ... 8
leave of absence granted to ... 205, 413, 575
McMahan, J. J., credentials received ... 7
leaves of absence granted to ... 338, 544
reason for voting on resolutions relating to an editorial in "The State" newspaper ... 159
on amendment making support of Winthrop College compulsory ... 685
McMakin, R. C., credentials received ... 3
McWhite, B. B., credentials received ... 5
address upon death of Dr. J. O. Byrd ... 350
Meares, R. A., credentials received ... 5
leaves of absence granted to ... 176, 272, 370, 407, 442, 518, 530, 518
reason for voting on question of "injunction process." ... 512
Medical certificates, received from Messrs. Hiers and Clayton ... 378
Melton, P. L., appointment of, as Assistant Clerk ... 17
Memorials [See "Petitions, etc."]
Miller, T. E., credentials received ... 4
leaves of absence granted to ... 176, 520, 602
appointed on Investigating Committee ... 271
address of, authorized to be printed ... 481
Miscellaneous Matters, Committee on. [See Classified Index.]
Mitchell, Julian, credentials received ... 4
leaves of absence granted to ... 272, 359, 267, 610
remarks on resolution of Mr. Behre, to print speech in Journal ... 713
Montgomery, J. D., credentials received ... 6
leaves of absence granted to ... 81, 205, 359, 520, 545
Montgomery, W. J., credentials received ... 6
leaves of absence granted to ... 205, 442, 560
reason for voting on resolution relating to an editorial in "The State" newspaper ... 160
on adoption of Section 4 of the Suffrage Article ... 484
address and resolutions of, in Committee of the Whole ... 728
Moore, J. O. A., credentials received ... 5
leaves of absence granted to ... 436, 695
Morrison, J. B., credentials received ... 3
leaves of absence granted to ... 506, 571

PAGE.

Motions to adjourn, (aye and nay votes):
Mr. Ellerbe, from October 4, 1895, to January 14, 1896 .. 295
Mr. Winkler, substitute to above 296
Mr. B. R. Tillman, October 4 to October 15. 325
Mr. Henderson, for the day 242
Mr. Byrd, for the day 250
Mr. G. D. Tillman, for the day 282
Mr. B. R. Tillman, for the day 591
Mr. Irby, November 1 to November 5 485
Mower, G. S., credentials received 7
leaves of absence granted to 155, 272, 359, 535, 575
added to Committee on Style, Order and Revision 701
Municipal Corporations and Police Regulations, Committee on. [See Classified Index.]
Murray, H. H., credentials received 3
leaves of absence granted to 291, 560
reason for voting, on resolution fixing the per diem of delegates. 79

N.

Nash, Shepherd, credentials received 8
leaves of absence granted to 272, 303, 413, 442, 510, 575
Nathans, J. N., credentials received 4
leaves of absence granted to 321, 365, 442, 560
Neblett, Mrs. Viola, address of 129
New Counties. [See Classified Index, Counties and County Government.]
Nicholson, W. A., credentials received 8
leaves of absence granted to 205, 695

O.

Oliphant, West, appointed Laborer 17
Oliver, J. L., credentials received 4
leave of absence granted to 525
Otts, J. C., credentials received. 8
reason for voting on question relating to Saluda County 100
resolutions of, in Committee of the Whole 729

P.

Pages, resolution authorizing appointment of 14
appointment of Glenn Smith, Joseph Robinson, J. B. Hughes, Belton Drafts Caughman, J. W. McCalla and U. R. Brooks, Jr 17
Parler, L. E., credentials received 4
leaves of absence granted to 303, 336
Parrott, J. N., credentials received 5
leaves of absence granted to 175, 652
Patterson, A. H., credentials received. 3
leaves of absence granted to 485
address of, in Committee of the Whole 728
Patton, H. C., credentials received 7
reason for voting on "10 mile limit." 601
amendment making support of Winthrop College compulsory 684
Peake, G. A., credentials received 8
leaves of absence granted to 205, 442
Perritte, A. J., credentials received 5
leaves of absence granted to 81, 205, 407, 525, 571, 695
statement of, relative to roll call 525

PAGE.

Petitions, Memorials and such like papers—
Mr. Stanyarne Wilson:
Petition for the creation of a County from portions of Spartanburg, Union and York Counties, to be known as Limestone County. 82
The President:
Petition from Charleston Reformatory School 108, 212
Mr. Irby:
A petition relating to working convicts from the Board of County Commissioners of Laurens County... ..... 132, 213, 256
Mr. McMahan:
Memorial—Governmental corporation debt and the tendency of municipal corporations towards unlawful expenditures of public funds and extravagance. —By D. H. Means..... 161
Mr. Moore:
Petition from the "Women's Christian Temperance Union" relating to the "age of consent."... ..... 172, 236, 343
The President:
Communication from "The National League for the Protection of American Institutions."..... 205
Mr. Talbert:
Memorial from Confederate soldiers..... 214
Mr. Miller:
Petition of citizens of Sumter, S. C., against the passage of Section 16 of an Article to regulate municipal corporations, to wit, No. 9 on Calendar..... 215, 260
Mr. B. R. Tillman:
Memorial from Cora S. Lott relating to suffrage 260, 293
Mr. Efird, by request:
Memorial from women of Lexington County relating to suffrage... 333
Mr. Berry:
Memorial from Congress of Road Supervisors..... 334
The President:
Petition from Mrs. Rosella A. Waur relating to suffrage..... 343
The President:
Petition from Mrs. James Bennett relating to suffrage..... 343
Mr. W. J. Montgomery:
Petition from ladies of Marion County relating to suffrage..... 371
Mr. Efird:
Petition from citizens of Lexington County relating to suffrage. 414
Mr. Bellinger:
Petition from ladies of Barnwell County relating to suffrage..... 420
Mr. Morrison:
Petition asking for the creation of Seabrook County..... 497, 519
Mr. Mitchell:
Petition opposing the establishment of Seabrook County..... 500, 519
The President:
Communication from Hon. W. D. Mayfield relating to Atlanta Exposition..... 594
The President:
Petition from Mrs. Sallie H. Redd relating to suffrage..... 602
Points of order, as to Rule 32..... 359
President, election of Hon. John Gary Evans..... 8
Prince, G. E., credentials received..... 3
leave of absence granted to..... 428
Printing, accounts for. [See Accounts.]
reports of Committee upon. [See Committees.]

R.

Ragsdale, G. W., credentials received..... 5
leaves of absence granted to 98, 176, 272, 359, 407, 442, 560
Ratification of Constitution, final vote upon 725
Read, J. H, credentials received..... 5
leaves of absence granted to..... 98, 272, 442
reason for voting on ratification of Constitution..... 727
Redfearn, E. N., credentials received..... 4
leaves of absence granted to 428, 571, 610
Reed, I. R., credentials received..... 4
Resignations, J. W. Weissinger..... 378
Arthur P. Harmon..... 253
Rights, Committee on Declaration of. [See Classified Index.]
Rights of Suffrage, Committee on. [See Classified Index.]
Road Supervisors, Congress of, communication from. [See Petitions, &c.]
Robinson, Joseph, appointed Page..... 17
Rogers, T. I., credentials received..... 6
leaves of absence granted to..... 205, 272, 370, 407, 610
reason for voting on ratification of Constitution..... 726
Roll calls..... 491, 498, 509, 519, 524, 534, 544, 551, 559, 570, 574, 578, 593, 609, 633, 657
Roll of delegates. [See Delegates.]
Rosborough, W. L., credentials received..... 5
leave of absence granted to..... 442

PAGE.
Rowland, M. O., credentials received 7
Rules, reports of Committee on. [See Committees.]
Russell, D. H., credentials received 3
leave of absence granted to 348

S.

Sargeant-at-Arms, election of N. H. Stansell 9
Scarborough, J. A., credentials received 8
leave of absence granted to 632
Shelton, W. J., appointed Gallery Doorkeeper 17
Sheppard, J. C., credentials received 5
leaves of absence granted to 272, 407, 442, 520, 571
address of, authorized printed 485
on adoption of Suffrage Article 476, 480
reason for voting on resolution relating to editorial in The State newspaper 161
on adoption of 4th Section of the Suffrage Article 484
statement of, relative to votes on homestead 688
added to Committee on Style, Order and Revision 687
Shuler, J. L., credentials received 6
Seabrook County, petition for establishment of 497, 519
petition against establishment of 500, 519
Seats, allotment of 15, 16
Secretary, election of S. W. Vance 9
Singletary, W. R., credentials received 8
leaves of absence granted to 155, 283, 370, 390, 485, 556, 575
reason for voting on exemptions from provisions for new Constitution 668
Sligh, J. A., credentials received 7
leaves of absence granted to 272, 359, 390, 520, 545, 633
Sloan, J. T., Jr., credentials received 7
Smalls, Robert, credentials received 4
leave of absence granted to 491
address of, authorized printed 481
on adoption of Suffrage Article 473–476
in behalf of Beaufort Delegation refuses to sign the Constitution 727
Smith, A. J., credentials received 6
Stackhouse, R. R., credentials received 8
leaves of absence granted to 205, 413, 442
Smith, Glenn, appointed Page 17
Smith, G. P., appointment of, as Clerk of the Committee on Declaration of Rights 132
Smith, Jeremiah, credentials received 6
leave of absence granted to 518
reason for voting on resolution relating to editorial in "The State" newspaper 160
Smith, R. F., credentials received 7
leaves of absence granted to 176, 338
statement of, relating to roll call 525
reason for voting on adoption of resolution relating to an editorial in "The State" newspaper 159
Smith, W. C., credentials received 3
leave of absence granted to 413
Smoak, A. K., credentials received 7
leave of absence granted to 382
Sprott, J. M., credentials received 4
leaves of absence granted to 272, 365
resolutions relating to death of 658
memorial page dedicated to 659
Standing Committees, resolution authorizing appointment of 14–15
list of 20–26
Stanley, J. C. & Bro., account of. [See Committee on Contingent Accounts, etc.]
Stansell, N. H., elected Sergeant-at-Arms 9
accounts of. [See Committee on Contingent Accounts, &c.]
Steering Committee. [See Committees.]
Stokes, J. Wm., credentials received 7
leaves of absence granted to 214, 560, 639
Stribling, W. J., credentials received 7
leaves of absence granted to 176, 442
Suffrage, report of Committee on Right of. [See Classified Index.]
petitions relative to. [See Petitions, etc.]
Sullivan, J. M., credentials received 3
leaves of absence granted to 272, 407, 491

T.

Talbert, W. J., credentials received 5
leaves of absence granted to 560, 656
elected Vice President 9
address upon death of Dr. J. O. Byrd 351
reason for voting on adoption of Suffrage Article 518

PAGE.

Taylor, F. P., credentials received 4
leave of absence granted to 232
Thorpe, James, and others, contest papers submitted 34
Tillman, B. R , credentials received 5
leave of absence granted to 176
address of, authorized printed 442
address of 443, 481
excused from attendance on Committee on Style, Order and Revision 687
Tillman, G. D., credentials received 5
minority report of, with others, relating to Counties 245
address of, on adoption of Suffrage Article 480, 481
in Committee of the Whole 731, 732, 733, 734
Timmerman, W. H., credentials received 5
leaves of absence granted to 205, 407, 428, 633
address of, upon death of Dr. J. O. Byrd 349
Tompkins, Hon. D. H., calls the Convention to order 1
Townsend, E. W., appointment of, as Clerk of the Committee on Miscellaneous Matters 132

V.

Vacancies caused by death of Dr. J. O. Byrd, resolution relating to 339
Vance, S. W., elected Secretary 9
Vice Presidents, election of Hons. W. J. Talbert and Ira B. Jones 9
Von Kolnitz, G. F., credentials received 4
leaves of absence granted to 370, 442, 525
reason for voting on adoption of resolution relating to an editorial in "The State" newspaper 160

W.

Waters, A. S., credentials received 7
Watson, R. B., credentials received 5
leaves of absence granted to 98, 131, 303, 686
minority report of, with others, relating to education 307
statement of, relative to vote on ratification of Constitution 726
statement of, relative to vote on exemption of Rock Hill from provisions for new Counties 668
Wells, G. G., credentials received 5
leaves of absence granted to 205, 370, 442, 560, 651
reason for voting on adoption of resolutions relating to an editorial in "The State" newspaper 160
Weissinger, J. W., appointed Clerk of the Committee on Legislative Department 132
resignation of 378
Wharton, J. H., credentials received 6
leaves of absence granted to 176, 321, 436, 560
Whipper, W. J., credentials received 4
leaves of absence granted to 491, 695
address of, ordered printed 481
White, A. H., credentials received 8
leave of absence granted to 386
White, S. E., credentials received 8
leave of absence granted to 205, 442, 571, 633, 702
Wigg, James, credentials received 4
leaves of absence granted to 129, 525
Wiggins, J. B., credentials received 3
leave of absence granted to 176, 348, 506
Wilson, Stanyarne, credentials received 7
leaves of absence granted to 570
appointed on Steering Committee 596
Wilson, W. B , credentials received 8
leaves of absence granted to 176, 259, 560
Winkler, C. L., credentials received 6
leaves of absence granted to 267, 348, 442
Witherspoon, D. H., appointed Bill Clerk 99
Witherspoon, Joseph, appointed Assistant Doorkeeper 17
Woman's suffrage, petition relative to. [See Petitions, etc.]
Woodward, F. P., credentials received 3

Y.

Yeldell, W. H., appointed Chief Clerk Engrossing Department 99
leave of absence granted to 291
report of, relating to dispensing with the services of certain clerks 426
Young, Mrs. V. D., address of 129

ARTICLES, ORDINANCES AND RESOLUTIONS INTRODUCED IN THE CONSTITUTIONAL CONVENTION.

(Printed on page on which they are introduced, unless otherwise noted.)

Introduced by	TITLE.	Introduced.	Other Proceedings.
Mr. Aldrich	Draft of a Constitution. (Printed on page 59.)	35	235, 326 58, 93, 227, 234.
Mr. Aldrich	Constitutional provision in relation to the common schools and institutions of learning in the State	151	308
Mr. Aldrich, by request.	Proposed Article in reference to the right to vote in incorporated towns and cities	85	
Mr. Aldrich	Resolution providing for the indexing and distribution of copies of the permanent Journal of the proceedings of the Convention	714	
Mr. Aldrich	Resolution appropriating $1 per day additional for services of Sergeant-at-Arms	686	
Mr. Alexander	Resolution to prohibit the sale of products of public institutions in the markets of this State	106	251
Mr. Anderson	Ordinance to compel children between certain ages to attend the public schools	127	308
Mr. Anderson	Resolution to establish an industrial school or college for the higher education of the colored youth of the land	178	308
Mr. Austin	Resolution relating to the carrying of concealed weapons	221	245
Mr. Austin	Resolution relating to poll tax	220	308
Mr. Austin	Substitute for resolution to add another member to Committee on Counties and County Government.	226	
Mr. Austin	Resolution relating to the payment of Commissioners and Managers of Election for delegates to the Constitutional Convention	206	706
Mr. Bates	Ordinance for exemptions from taxation of certain widows and Confederate soldiers	207	284
Mr. Bates	Resolution relating to the charters of banking corporations	108	263
Mr. Bates	Resolution in reference to existing laws	36	93, 112
Mr. Bates	Substitute for resolution relating to an editorial in "The State" newspaper	156	
Mr. Bates	Ordinance for exemption from taxation of certain widows and Confederate soldiers	207	284
Mr. Burn	Resolution relating to the formation of literature, etc	219	308
Mr. Burn	Resolution in regard to family homesteads	41	210, 342
Mr. Behre	Resolution requesting speeches of Hons. Julian Mitchell and E. J. Kennedy for publication in the Journal	713	
Mr. Bellinger	Resolution relating to corporations	35	263
Mr. Bellinger	Resolution as to the salaries of the officers of the Convention	325	417
Mr. Berry	Resolution providing for the registration of marriages	147	211

ARTICLES, ORDINANCES AND RESOLUTIONS INTRODUCED IN THE CONSTITUTIONAL CONVENTION.

(Printed on page on which they are introduced, unless otherwise noted.

(*) indicates aye and nay vote.

Introduced by	TITLE.	Introduced.	Other Proceedings.
Mr. Bowman	Resolution amending Article IV of the Constitution, relating to the Judicial Department	103	326
Mr. Breazeale	Resolution authorizing the Committee on Counties and County Government to submit two reports	226	
Mr. Breazeale	Resolutions relating to the death of a daughter of Hon. Ira B. Jones	226	
Mr. Breazeale	Resolution providing for the payment of two additional laborers	271	
Mr. Breazeale	Resolution authorizing the printing of additional copies of the Journal	510	
Mr. J. S. Brice	Resolution in regard to the militia	148	273
Mr. J. S. Brice	Resolution relating to finance and taxation	207	284
Mr. J. S. Brice	Resolution relating to the formation of new Counties	183	256
Mr. J. S. Brice	Resolution in regard to compensation of members of General Assembly	39	210
Mr. J. S. Brice	Resolution in regard to bi-annual sessions of the General Assembly	46	211
Mr. J. S. Brice	Resolution in regard to quadrennial elections.	50	210
Mr. Buist	Resolution in reference to lotteries in this State	37	93, 112
Mr. Buist	Resolution to amend Article X of the Constitution of this State, prohibiting the property or credit of the State, of any County, city, town, township, school district, from being donated, loaned, &c., to denominational institutions	134	123, 237, 251
Mr. Buist	Resolution authorizing an autographic list of the delegates of the Convention	177	
Mr. Buist	Resolution instructing the Committee on Rules to prepare a rule limiting debate	321	
Mr. Buist	Resolution to amend Article V of the Constitution in relation to murder and manslaughter	180	236, *285,237
Mr. Buist	Resolution to amend Article XI, Section 1, of the present Constitution, (printed on page 58)	37	
Mr. Buist	Resolution to amend Article X of the present Constitution (printed on page 128)	37	307
Mr. Buist	Resolution to amend Article X, providing for the maintainance of the Clemson Agricultural and Mechanical College	40	307
Mr. Buist	Resolution to amend Article X, providing for the maintainance of the Winthrop Normal and Industrial College	44	307
Mr. Buist	Resolution forbidding the General Assembly granting extra compensation under certain conditions.	102	210
Mr. Buist	Resolution forbidding the General Assembly to donate the property of the State to private corporations or individuals	105	210

ARTICLES, ORDINANCES AND RESOLUTIONS INTRODUCED IN THE CONSTITUTIONAL CONVENTION.

(Printed on page on which they are introduced, unless otherwise noted.)

Introduced by	TITLE.	Introduced.	Other Proceedings.
Mr. Buist	Resolution forbidding the payment of salaries beyond the date of the death of any officer of this State	106	210
Mr. Clayton	The right of suffrage not to be denied on account of sex	183	233
Mr. Clayton	Resolution to regulate the working of convicts	125	212, 235
Mr. Clayton	Article referring to the Judiciary Department, so far as the same relates to the Courts of this State	116	326
Mr. Clayton	Resolutions relating to the death of Hon. J. M. Sprott	658	
Mr. Connor	Resolution requiring biennial sessions of the Legislature and providing for a four-year term of office	207	
Mr. Connor	Ordinance to authorize the General Assembly to provide for a sinking fund in the several Counties of the State, to enable the same to do business on a cash basis. (For consideration, see ordinances considered without reference.)	496	669, 698, 705, 706
Mr. Connor	Resolution relating to the hours of the daily sessions of the Convention	597	
Mr. Cooper	Ordinance to extend the time for the payment of State and County taxes for the fiscal year commencing November 1, 1892, in Beaufort County and part of Colleton County	632	634
Mr. Derham	Ordinance to levy a school tax for the support of public schools, and limit a certain per cent. of same to the amount that may be apportioned to the State educational institutions	93	308
Mr. Doyle	Resolution to prevent prize fighting	148	212
Mr. Doyle	Resolution to limit expenses of administering estates. (Printed on page 305.)	51	305, 415
Mr. Dudley	Resolution to prohibit divorce from bond of matrimony. (Not printed.)	36	251
Mr. Dudley	Ordinance to provide a Supreme Court and manner of election	109	326
Mr. Dudley	Ordinance to provide for marriage licenses and record of same, with births and deaths, by Clerk of Court	101	211
Mr. Dudley	Ordinance to provide for an alphabetical index and marginal notes to the Constitution and ordinances of the Constitutional Convention of 1895	510	671, 698, 705
Mr. Efird	Resolution relating to the right of suffrage. (Printed on page 77.)	17	292
Mr. Efird	Resolution relating to Counties and County government. (Printed on page 130.)	18	292
Mr. Efird	Resolving that the Convention proceed to the election of a Reading Clerk	13	
Mr. Efird	Resolution authorizing the appointment of Clerks for various Committees	16	

ARTICLES, ORDINANCES AND RESOLUTIONS INTRODUCED IN THE CONSTITUTIONAL CONVENTION.

(Printed on page on which they are introduced, unless otherwise noted.)

Introduced by	TITLE.	Introduced.	Other Proceedings.
Mr. Efird	Resolving that Standing Committees need not withhold reports until after the 23d	133	
Mr. Efird	Resolution authorizing the Comptroller-General to draw his warrant for account of C. A. Calvo, Jr.	321	
Mr. Efird	Resolution providing for the control of the manufacture and sale of intoxicating liquors and beverages under the exercise of the police power.	44	
Mr. Ellerbe	Resolution to adjourn on Friday, October 4, to meet on Tuesday, January 14, 1896	288	295
Mr. Ellerbe	Resolution to dispense with the holding of the approaching session of the General Assembly	325	578
Mr. Ellerbe	Resolution allowing the Chaplains $25 in addition to the amounts provided	701	
Mr. Estridge	Resolution requiring that all expenses of the Court of General Sessions for each County be paid by the State	184	699 304, 305, 373, 417,
Mr. Estridge	Resolution prohibiting attorney of a corporation from holding office of Senator or Representative.	102	234
Mr. W. D. Evans	Resolution on creation of new Counties	43	292
Mr. W. D. Evans	Resolution on the collection of taxes.	84	235
Mr. W. D. Evans	Resolution on increase of bonded debt, State, Counties and municipalities	127	236
Mr. W. D. Evans	Resolution recommitting Chapter VII of the report of the Committee on Rules	80	
Mr. W. D. Evans	Resolution relating to the death of Hon. R. H. Hodges.	385	402
Mr. W. D. Evans	Resolution relating to the hours of the daily sessions of the Convention	597	
Mr. W. D. Evans	Resolution authorizing the Secretary to add the names of deceased members to the Constitution	727	
Mr. W. D. Evans	Resolution in regard to paying the State Printer	650	663, 698, 705
Mr. W. D. Evans	Oordinance to provide for the payment of the per diem and mileage of the delegates, officers and employees of the Convention and other necessary expenses, and to require the General Assembly to make additional appropriations to pay the same	623	650, 662, 705
Mr. W. D. Evans	Oordinance to provide for the payment of interest on the public debt of the State of South Carolina to become due on the first day of January, A. D. 1896, and to require the General Assembly to make appropriations for this purpose	623	651, 662, 705
Mr. Farrow	Ordinance to provide for the location of incorporated cities, towns and villages in this State, so that all portions of each respectively shall be in the same County	181	227, 332
Mr. Farrow	Resolution in reference to the creation of Courts, and the jurisdiction thereof, amending Article IV of the Constitution of the State	39	326

ARTICLES, ORDINANCES AND RESOLUTIONS INTRODUCED IN THE CONSTITUTIONAL CONVENTION.

(Printed on page on which they are introduced, unless otherwise noted.)

Introduced by	TITLE.	Introduced.	Other Proceedings.
Mr. Fleld.....	Resolution to prevent the State lending its credit, except for certain purposes. (Not printed.).	36	237
Mr. Fitch.....	Resolution amending Article IV of the Constitution of the State and creating Courts with the jurisdiction thereof...	137	326
Mr. Fraser.	Resolution requesting Committees to incorporate in proposed Article all resolutions and ordinances upon which they report favorably.....	216	
Mr. Fraser, for Committee.... ...	Resolution as to printing Articles which have passed a third reading.....	291	
Mr. Fraser.	Ordinance to establlsh a Court of Errors for Constitutional and other questions referred to it.	133	326
Mr. Fraser.....	Ordinance to provide for the transfer of the State Government from the old Constitution to the new Constitution adopted at this Convention....	615	672
Mr. Fraser.....	Resolution authorizing the Committee on Style, Order and Revision to employ additional clerks...	687	
Mr. Gage.....	Ordinance to prohibit special legislation. (Printed on page 58.).....	35	211
Mr. Gage.....	Ordinance to regulate the formation of new Counties	88	292
Mr. Gage.	Substitute for resolution relating to an editorial in "The State" newspaper	157	
Mr. Gage.....	Ordinance to prohibit the creation of corporations except under general law. (Not printed.)..... .	35	263
Mr. Gamble.....	Ordinance relating to the right of suffrage.....	101	292
Mr. Garris	Resolution establishing the office of Labor Commismissioner	83	211
Mr. Garris	Resolution relating to per diem and mileage due deceased members	651	658
Mr. Gary.....	Resolution limiting speeches to ten minutes	525	
Mr. Gilland	Ordinance providing for the election of County Auditors and County Treasurers..... ...	207	256
Mr. J. L. Glenn.....	Resolution providing for levying and collecting a tax for the support of public schools..	174	308
Mr. J. P. Glenn.....	Resolution to appropriate certain moneys for the support of public schools.....	174	308
Mr. J. P. Glenn	Resolution to require every County in this State to provide for the really destitute within its bounds.	46	235
Mr. Gooding	Resolution in relation to fishing in the unnavigable running streams and waters of this State..	148	212
Mr. Gooding	Proposed Article of penal and charitable institutions.	121	235
Mr. Gray....	Resolution authorizing the President to appoint two assistant Clerks, six Pages and four Laborers.	14	

ARTICLES, ORDINANCES AND RESOLUTIONS INTRODUCED IN THE CONSTITUTIONAL CONVENTION.

(Printed on page on which they are introduced, unless otherwise noted.)

(*) indicates aye and nay vote.

Introduced by	TITLE.	Introduced.	Other Proceedings.
Mr. Gray...	Resolution authorizing the Secretary to furnish the Convention and the Committees necessary stationery	18	
Mr. Gray	Resolution requesting the State Printer to temporarily print the proceedings of the Convention.	18	
Mr. Gray	Resolution authorizidg Chas. A. Calvo, Jr., to print 500 copies of the permanent Journal of the proceedings of the Convention	100	
Mr. Gray.	Resolution relating to commutation of sentences, pardons, etc. (Printed on page 79.)	35	
Mr. Gray.	Ordinance to provide that the General Assembly may hereinafter enact such laws as may be necessary to validate and carry into effect the subscriptions to the capital stock of the Carolina, Knoxville and Western Railroad Company, heretofore voted for and authorized by the qualified voters of Greenville County	379	706 418, 529, 569, 580,
Mr. Hamel.	Ordinance providing that the Legislature shall establish new Counties when certain provisions are complied with	184	256
Mr. Hamel	Resolution relating to the homestead	185	234, 342
Mr. Harrison.	Resolution relating to County government	170	256
Mr. Haynsworth, by request	Ordinance to prohibit the use or loan of property or credit on the part of the State or any subdivision therof in aid of any school or charitable institution under the control of any church or religious society.	88	308
Mr. D. S. Henderson	Resolution as to the exercise of suffrage in the cities, towns and villages of the State. (Printed on page 185)	17	
Mr. D. S. Henderson	Resolution relating to the granting of divorces in this State. (Printed on page 272.)	17	34, 251
Mr. D. S. Henderson	Resolution fixing an oath to be taken by all officers to be elected or appointed. (Not printed)	17	93, 112, 187, 234
Mr. D. S. Henderson	Resolution inquiring as to the cost of stenographically reporting the proceedings of the Convention. (Printed on page 75)	18	75
Mr. D. S. Henderson	Resolutions in regard to the death of Judge George S. Bryan	238	
Mr. D. S. Henderson,.	Ordinance to authorize the issue of State bonds to enable the Counties of the State to do business on a cash basis. (For amendments see Finance and Taxation)	125	418, 486, *495
Mr. D. S. Henderson	Resolution relating to trial by jury and the compensation of juries. (Not printed)	17	
Mr. Henry	Ordinance requiring the General Assembly to provide compensation for Commissioners and Managers of Election for delegates to the Convention	658	666, 699
Mr. Hiers	Resolution relating to the formation of new Counties, Article 2, Section 3, of present Constitution	46	202

ARTICLES, ORDINANCES AND RESOLUTIONS INTRODUCED IN THE CONSTITUTIONAL CONVENTION.

(Printed on page on which they are introduced, unless otherwise noted.)

Introduced by	TITLE.	Introduced.	Other Proceedings.
Mr. Hodges	Resolution to impose a tax of three mills for educational purposes.	38	235
Mr. Hodges	Reslution as to judgments	47	197, 326, 376
Mr. Hodges	Resolution to make licensed ministers of the gospel ineligible to hold office in South Carolina	39	292
Mr. Howell	Resolution relating to married women's property, now Section 8, Article 14, of the present Constitution	147	187,252
Mr. Howell	Resolutions relating to married women's property, now Section 8, Article 14, of present Constitution.	147	187,226
Mr. Howell	Resolution providing for homestead, amending Article 2, Section 32, of present Constitution	47	211, 342
Mr. Hutson	Resolution relating to the rights of married women. (Not printed.)	17	34
Mr. Hutson	Resolution to define the rights of married women as to property. (Not printed.)	36	187
Mr. Hutson	Resolution relating to the power of Judges to charge juries	85	226
Mr. Hutson	Resolution to define the rights of married women as to property. (Not printed.)	36	
Mr. T. E. Johnson	Resolution providing a system of public instruction.	167	308
Mr. George Johnstone	Ordinance relating to corporations, being Article XII of the present Constitution	223	263
Mr. George Johnstone	Ordinance relating to the area and formation of Counties, being Article 2 of the present Constitution	218	
Mr. George Johnstone	Ordinance relating to the right of suffrage, being Article 8 of the present Constitution	53	292
Mr. George Johnstone	Ordinance in relation to suffrage and citizenship, being Article 8 of the present Constitution	222	292
Mr. Wilie Jones	Resolution in regard to militia	48	273
Mr. Wilie Jones	Resolution allowing the Secretary of the Convention the additional sum of $50 for stationery.	227	
Mr. E. J. Kennedy	Resolution limiting the tenure of office.	172	234
Mr. E. J. Kennedy	Resolution in relation to education, being amendatory of Article X of the present State Constitution.	219	308
Mr. E. J. Kennedy	Ordinance allowing the General Assembly to provide for validating and carrying into effect subscriptions heretofore made by Chesterfield County to the capital stock of any railroad corporation	370	396, 437
Mr. E. J. Kennedy	Ordinance to provide that the General Assembly may hereinafter enact such laws as may be necessary to validate and carry into effect the subscriptions to the capital stock of the Chesterfield and Kershaw Railroad Company heretofore voted for and authorized by the qualified voters of Chesterfield County	374	437, 438, 497, 579, 580

ARTICLES, ORDINANCES AND RESOLUTIONS INTRODUCED IN THE CONSTITUTIONAL CONVENTION.

(Printed on page on which they are introduced, unless otherwise noted.)

(*) indicates aye and nay vote.

Introduced by	TITLE.	Introduced.	Other Proceedings.
Mr. Klugh	Resolution relating to the formation of new Counties	173	256
Mr. Klugh	Resolution relating to insurance companies	171	233, 327
Mr. Klugh	Resolution relating to public roads	169	
Mr. Lee	Resolution that the Committee on Rules prepare a resolution permitting pairing.	301	
Mr. Lowman	Article relating to the power of the General Assembly over taxation	91	212
Mr. Lowman	Resolution to prohibit the intermarriage of whites with negroes, etc., or their living together as man and wife	150	211
Mr. Lybrand	Resolution to regulate the manufacture and sale of intoxicating liquors	125	
Mr. Lybrand	Resolution proposing amendment to Article X of the present Constitution relating to the public schools of the State	119	308
Mr. McCalla	Ordinance creating the office of Bank Inspector	149	263
Mr. McCalla	Resolution instructing the State Treasurer to report whether he has sufficient funds in hand to pay the expenses of the Convention	597	
Mr. McCown	Resolving that the Committee on Suffrage report a clause in favor of woman suffrage	129	292
Mr. McCown	Resolution relative to the liquor traffic	46	
Mr. McGowan	Ordinance fixing the age of consent for women. (For consideration see Judicial Department.)	218	223, 369, 663, 704
Mr. McGowan	Resolution revoking leaves of absence	525	
Mr. McKagen	Resolution relative to the ineligibility of Senators and Representatives for any office of profit	169	235, 327
Mr. McMahan	Ordinance to empower the Legislature to enact laws regulating the competency of men to marry	217	245
Mr. McMahan	Ordinance to suppress indecent publications	222	245
Mr. McMahan	Ordinance to provide for a Department of Roads and Forestry. (For consideration see Legislative Department.)	222	244, *376, 377
Mr. McMahan	Ordinance to forbid discrimination on account of religion	185	252
Mr. McMahan	Ordinance to prescribe who shall be voters.	...	293
Mr. McMahan	Ordinance to render Counties liable in certain cases.	217	256
Mr. McMahan	Ordinance relative to the concurrence of the whole number of a jury.	208	236, 327, 343
Mr. McMahan	Ordinance limiting the duration of the State's lien for taxes	208	236
Mr. McMahan	Ordinance to prevent double taxation of land	223	

ARTICLES, ORDINANCES AND RESOLUTIONS INTRODUCED IN THE CONSTITUTIONAL CONVENTION.

(Printed on page on which they are introduced, unless otherwise noted.)

Introduced by	TITLE.	Introduced.	Other Proceedings.
Mr. McMahan	Resolution instructing the Committee on Printing to engage a stenographer to preserve a complete record of the proceedings	132	
Mr. McMahan	Ordinance to forbid discrimination on account of religion	185	252
Mr. McMahan	Ordinance to forbid the granting of divorces, but to provide for the recognition of divorces regularly granted by other sovereignties	206	252
Mr. McWhite	Resolution instructing the Legislature to make provision for the pay of Managers and Clerks of the late election of delegates. (Printed on page 58.)	37	
Mr. McWhite	Resolution to provide a public school fund and the distribution of the same, and to provide for separate schools. (Printed on page 128.)	36	308
Mr. McWhite	Resolution to provide that no money shall be donated to any sectarian school	220	308
Mr. McWhite	Resolution that bribery shall be punished as provided by law	86	187, 326
Mr. McWhite	Resolution relating to the vacancy created by the death of Dr. J. O. Byrd	339	364, 380
Mr. McWhite	Sections 6, 7, 8, 9, 10 and 11 of Resolution to provide punishments, penal institutions and public charities. (See Errata.)	118	213, 235, 356
Mr. Meares	Resolution forming Article 1 of the Constitution on Declaration of Rights	144	
Mr. W. J. Montgomery.	Resolution providing for reasonable tuition fees in all institutions for higher education supported in whole or in part by the State	166	308
Mr. W. J. Montgomery.	Resolution providing for compulsory attendance upon public schools, a three mill tax and a poll tax of $1.50 for the support of said public schools.	221	308
Mr. W. J. Montgomery.	Resolution authorizing the Chief Clerk of the Engrossing Department to expend $25 for stationery.	133	
Mr. Moore	Ordinance to disallow distress for rent	91	212
Mr. Moore	Ordinance to compel the publication of city, town and village affairs by the Treasurer or authorized officer	182	334
Mr. Moore	Ordinance to provide compensation by exemplary damages for death resulting from willful act, omission or gross negligence	167	232, 327
Mr. Moore	Ordinance relating to the granting of free passes	170	223
Mr. Moore	Ordinance relating to contracts between employers and employees	172	233
Mr. Moore	Resolution to provide for sale of lands for taxes and the redemption of such lands	50	235
Mr. Moore	Ordinance relating to exemption of personalty	182	252

ARTICLES, ORDINANCES AND RESOLUTIONS INTRODUCED IN THE CONSTITUTIONAL CONVENTION.

(Printed on page on which they are introduced, unless otherwise noted.)

Introduced by	TITLE.	Introduced.	Other Proceedings.
Mr. Moore	Ordinance to regulate the extension of corporate limits of cities, towns and villages	181	227
Mr. Moore	Resolution restricting corporations to pursue business fixed by charters	87	
Mr. Moore	Ordinance to regulate the extension of corporate limits of cities, towns and villages	181	227
Mr. Mower	Ordinance relating to the Declaration of Rights	185	252
Mr. Mower	Ordinance relating to the Judicial Department	178	327
Mr. Miller	Resolution prohibiting the passage of any law taxing the people to support sectarian institutions	220	308
Mr. Miller	Ordinance to provide that the Constitution shall be submitted to the people to be ratified	89	326
Mr. Miller	Resolution relating to a reported assault upon a citizen by the name of Anderson	260	
Mr. Nicholson	Resolution for creation of the office of Inspector of public County accounts and of illuminating oils	175	
Mr. Oliver	Ordinance relating to mechanics liens, etc	51	326
Mr. Otts	Resolution to add Hon. J. W. Floyd to Committee on Counties and County Government	226	
Mr. Otts	Ordinance in regard to concealed weapons	172	234
Mr. Otts	Resolution to prevent the aiding of any railroad or other corporations by Counties, cities, towns and other municipal corporations subscribing to the capital stock thereof. (Printed on page 186.)	36	
Mr. Otts	Resolution to prevent the consolidation of railroad, electric car companies, telegraph companies, express companies, telephone companies and other corporations from consolidating with competing or parallel lines. (Not printed.)	37	263
Mr. Otts	Article relating to Counties	124	256, 292
Mr. Otts	Ordinance relating to road tax and road duty	172	256
Mr. Otts	Resolution creating the office of Probate Judge and defining his duties	51	326
Mr. Otts	Ordinance to abolish the fee system	222	326, 342
Mr. Otts	Ordinance requiring chain gangs	166	213
Mr. Otts	Resolution tendering the privileges of the floor to Confederate Veterans	535	
Mr. Parler	Resolution relating to the rights of accused	134	
Mr. Parler	Ordinance relating to suffrage	110	292
Mr. Parler	Resolution relating to the election of County Treasurers and the assessment and collection of taxes	149	256
Mr. Parrott	Ordinance to abolish the office of State Superintendent of Education and of the County School Commissioner	91	308

ARTICLES, ORDINANCES AND RESOLUTIONS INTRODUCED IN THE CONSTITUTIONAL CONVENTION.

(Printed on page on which they are introduced, unless otherwise noted.)

Introduced by	TITLE.	Introduced.	Other Proceedings.
Mr. Parrott	Ordinance to extend the rights of suffrage	157	293
Mr. Patterson	Resolution to provide for the maintenance of the public schools of the State	216	308
Mr. Patterson	Resolution relating to an editorial in "The State" newspaper	154	156, 157, 153
Mr. Patton	Resolution to preserve the right of trial by jury	84	
Mr. Patton	Resolution for the regulation of suffrage in the State of South Carolina	42	292
Mr. Patton	Resolution relating to the Cuban revolution	272	336
Mr. Prince	Resolution relating to homestead and exemptions. (Printed on page 57.)	36	212
Mr. Prince	Resolution relative to the eligibility of members of the General Assembly and Judges to certain offices	150	211
Mr. Prince	Resolution relating to the formation of new Counties. (Not printed.)	18	
Mr. Prince	Resolution that the Convention will not create any new Counties	77	93, 94
Mr. Prince	Resolution allowing the employees of the Convention the same mileage as the members	326	
Mr. Ragsdale	Resolution relating to the veto power of the Governor as to Bills appropriating money from the treasury. (Printed on page 56.)	36	56
Mr. I. R. Reed	Resolution to change the date of the fiscal year	84	235
Mr. I. R. Reed	Resolution to establish a "State Penal School."	150	212
Mr. I. R. Reed	Resolution for the protection of persons charged with crimes and misdemeanors	123	
Mr. Rogers	Resolution to provide and fix salaries for all constitutional officers	47	153
Mr. Rogers	Resolution to abolish the right of dower in lands aliened by the husband during coverture	52	210
Mr. Russell	Resolution amending the Constitution, Article III, Section 2; and also Article IV, Section 27	107	
Mr. Russell	Resolution amendatory to the Constitution, Article —, Section —, relating to municipal corporations	208	
Mr. Russell	Resolution relating to the Public Printer and printing. (Printed on page 74.)	18	74, 96, 100
Mr. Russell, by request	Ordinance to establish a new judicial and election County from portions of the territory of Abbeville, Greenville, Laurens and Anderson Counties, to be called Washington County, with boundaries as hereinafter described	49	
Mr. Russell	Amendment to the Constitution, Article VIII, Sections 1 and 2, on the right of suffrage	127	293

ARTICLES, ORDINANCES AND RESOLUTIONS INTRODUCED IN THE CONSTITUTIONAL CONVENTION.

(Printed on page on which they are introduced, unless otherwise noted.)

Introduced by	TITLE.	Introduced.	Other Proceedings.
Mr. Russell	Authorizing the appointment of an additional Mail Clerk	434	437
Mr. Scarborough	Ordinance to establish a new judicial and election County from portions of the territory of Kershaw, Chesterfield, Darlington and Sumter, to be called Calhoun, with boundaries as hereinafter designated	89	
Mr. Sheppard	Resolution declaring that the election officers of the Convention be a President, two Vice-Presidents, a Secretary, a Sergeant-at-Arms, and a Reading Clerk	8	
Mr. Sheppard	Resolution authorizing the President to appoint various standing Committees	14	15
Mr. Sheppard	Resolution that the members receive as compensation $2 per diem during the session of the Convention, and five cents per mile coming to and returning from same	18	19
Mr. Sheppard	Resolution requesting the Committee on Contingent Accounts and Expenses to present an ordinance providing for the disbursement of the appropriation made by the General Assembly for the expenses of the Convention	371	
Mr. Sheppard	Resolution to adjourn *sine die* on the fourth day of December, 1895	703	
Mr. Sheppard.	Resolution instructing the Committee on Finance and Taxation to report an ordinance to maintain and support the State government until the meeting of the General Assembly	572	
Mr. Sheppard	Resolution authorizing the Secretary of State to permit absent members to sign the Constitution	702	
Mr. Sheppaad	Resolution authorizing the President to fill in certain blanks	702	
Mr. Sheppard	Resolution providing for the printing and distribution of copies of the Constitution	702	
Mr. Sloan	Resolution as to the printing of the laws, journals, Bills and legislative documents and papers for each branch of the General Assembly	109	212
Mr. Sloan	Resolution that no person who denies the existence of the Supreme Being shall be eligible to any office under this Constitution	102	
Mr. Sloan	Resolution for the removal of all causes by the General Assembly to the Courts created by the Constitution	105	326
Mr. Sloan	Resolution as to the establishment and adjustment of claims against the State	109	
Mr. Smalls	Ordinance to regulate the right of suffrage	111	293
Mr. R. F. Smith	Resolution providing for a homestead, as a substitute for Section 32, Article 2	42	211, 342
Mr. R. F. Smith	Ordinance providing for keeping record of marriages	108	187, 326

ARTICLES, ORDINANCES AND RESOLUTIONS INTRODUCED IN THE CONSTITUTIONAL CONVENTION.

Printed on page on which they are introduced, unless otherwise noted.)

Introduced by	TITLE.	Introduced.	Other Proceedings.
Mr. W. C. Smith.....	Resolution to prevent special privileges by educational institutions.....	44	308
Mr. Smoak.....	Resolution to prohibit members of the Legislature from voting on measures or Bills in which they have a personal interest.....	107	211
Mr. Smoak.	Resolutions making corporations responsible for the payment of work when a construction company fails to pay the laborers	86	175, 212
Mr. Smoak..... ..	Resolution to create the new County of Calhoun from portions of Orangeburg and Lexington.....	86	
Mr. Smoak.....	Resolution to prohibit public trial of certain cases and the publication of details of such trials.....	87	187, 326
Mr. Smoak.....	Resolution to define the conditions of Executive pardons..	111	
Mr. Stokes.	Article relating to the judicial system.....	43	326
Mr. Stokes.....	Ordinance relating to corporations, being Article 1 of the Constitution.....	142	263
Mr. Sullivan.....	Resolution relating to the public printing and the furnishing of supplies for public offices, amending Article XIV, Section 7, of the present Constitution	122	175
Mr. Sullivan.....	Resolution relating to public printing and furnishing supplies for certain offices.....	122	175, 212
Mr. Sullivan.....	Resolution empowering the Governor to suspend alleged defaulting State and County Treasurers and to fill their offices pending investigation	167	308
Mr. Sullivan.....	Resolution relating to the income tax. (Not printed.)	37	237
Mr. Sullivan	Resolution providing for a common school fund and the distribution of same....	85	237
Mr. Sullivan.....	Resolution prohibiting railroad corporations from consolidating with or controlling competing or parallel lines. (Not printed.).....	36	263
Mr. Talbert	Ordinance to establish a new judicial and election County from a portion of the territory of the Counties of Abbeville and Edgefield, to be called McCormick, with boundaries as hereinafter designated.	125	292
Mr. Taylor.....	Resolution to prohibit the intermarriage of white persons of mixed blood descended from a negro..	106	212
Mr. Taylor.....	Resolution relating to the qualification for office....	110	292
Mr. G. D. Tillman.....	Resolution proposing an amendment to Section 6, Article 3, of the Constitution, relating to an apportionment of Representatives to the General Assembly.....	51	211
Mr. G. D. Tillman.....	Ordinance to establish a new judicial and election County from a portion of the territory of Edgefield County, to be called "Saluda." (Printed on page 75.) (For consideration, see Counties and County Government.).....	35	114, 325 75, 95, 96, 112, 113,

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Introduced by	TITLE.	Introduced.	Other Proceedings.
Mr. G. D. Tillman.....	Resolution proposing amendments to Section 3, Article 2, of the Constitution, relating to the erection of new Counties and the removal of County seats and consolidation of Counties.....	45	292
Mr. G. D. Tillman.....	Resolution proposing an Article in the Constitution to re-establish the whipping post to properly punish vagrants, petty thieves and habitual wife-beaters....	151	187
Mr. B. R. Tillman.. ..	Ordinance to establish a new judicial and election County from portions of the territory of Abbeville and Edgefield Counties, to be known as "Mart Gary" County. (Not printed.).....	35	
Mr. B. R. Tillman.....	Resolution for the formation of new Counties.....	45	292
Mr. B. R. Tillman.....	Resolution that the Conventien adjourn from Friday, October 4, to Tuesday, October 15	325	
Mr. B. R. Tillman . ..	Substitute for resolution limiting speeches to ten minutes	525	
Mr. B. R. Tillman.... .	Resolution appointing a Steering Committee	*595	*596, 606
Mr. Timmerman.....	Ordinance to pension certain Confederate soldiers..	107	153, 273
Mr. Timmerman.....	Ordinance to empower and authorize the General Assembly to change County lines.....	125	292
Mr. Timmerman.....	Ordinance to prohibit office-holders from gambling or betting on games of chance	100	
Mr. Wells	Ordinance to postpone the next regular session of the General Assembly from the fourth Tuesday in November, 1895, to the second Tuesday in January, 1896. (Consideration: Amendments, Mr. Efird, 568; 571.).....	486	568, 573, 574
Mr. Wharton.....	Resolution for the relief of disabled and aged Confederate soldiers and their widows.....	122	
Mr. Wharton..... ...	Resolution limiting speeches to ten minutes on all except the suffrage question. (For consideration, see Resolution of Organization, etc.).....	283	321
Mr. Wharton.....	Resolution to regulate elections and fix the term of officers.	38	187, 326
Mr. A. H. White.	Resolution relating to the supervision of the public instruction..	151	308
Mr. S. E. White	Resolution changing names of judicial division from Counties to districts.....	115	292
Mr. Wigg....	Ordinance to direct the Comptroller-General and all persons charged with the collection of taxes to keep separate accounts of taxes paid by white and colored taxpayers...∴	137	236
Mr. Winkler.....	That the Convention adjourn on Friday, October 4, to meet on Tuesday, October 15th.....	296	
Mr. Stanyarne Wilson..	Resolution declaring the roll of delegates in possession of the Secretary of State duly qualified.	2	

ARTICLES, ORDINANCES AND RESOLUTIONS INTRODUCED IN THE CONSTITUTIONAL CONVENTION.

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Introduced by	TITLE.	Introduced.	Other Proceedings.
Mr. Stanyarne Wilson..	Resolution authorizing the President to appoint the following: Assistant Secretary, Journal Clerk, Bill Clerk, Doorkeeper, Assistant Doorkeeper, Gallery Doorkeeper, Postal Clerk, six Pages and two Laborers.....	14	
Mr. Stanyarne Wilson..	Resolution limiting the time within which resolutions, etc., can be introduced.....	99	
Mr. Stanyarne Wilson..	Resolution authorizing the Committee on Judicial Department to have printed certain drafts..	243	
Mr. Stanyarne Wilson, by request....	Ordinance to establish a new judicial and election County from a portion of a territory of Spartanburg, Union, Laurens aud Greenville, to be called Enoree.....	55	156
Mr. Stanyarne Wilson..	Resolution providing for the creation, establishment and maintenance of a Bureau of Labor Statistics..	87	212
Mr. W. B. Wilson.....	Resolution providing for the establishment and maintenance of a reformatory....	149	235
Mr. W. B. Wilson.....	Resolution regulating the right of suffrage.....	121	292
Committee on Contingent Accounts and Expenses..... .	Resolution providing for the payment of and dispensing with the services of the clerks in the Engrossing Department..... ...	426	435, 426, *437
Committee on Contingent Accounts and Expenses..... ...	Ordinance defining the pay and mileage of the members, officers and employees of the Convention. (For consideration, see "Resolutions Relating to Organization," etc.).....	501	568, 655, 705
Committee on Counties and County Government.....	Ordinance to relieve the contemplated new County of Seabrook from the provisions of Section 5, Article —, on Counties and County Government. (For consideration, see Ordinances Considered Without Reference.)....	610	666, 667, 668, 669
Committee on Counties and County Government...	Ordinance to relieve the contemplated new County of Seabrook from the provisions of this Constitution.....	519	
Committee on Printing.	Resolution naming Charles A. Calvo, Jr., Printer for the Convention.....	74	
Committee on Executive Department.....	Resolution providing that official residence shall not affect the right of suffrage of State officers..	166	293
Committee on Rules....	Resolution relating to the hours of daily sessions of the Convention.....	274	
Committee on Rules....	Resolution that members may "pair" upon any question before the Convention...	321	
Committee on Rules....	Resolution providing for the preservation of Ordinances and Resolutions and for the distribution of printed copies of the same.....	373	415
Committee on Rules....	Resolution to facilitate the proceedings of the Convention	543	544, 545
Committee on Judicial Department.....	"Schedule." (For consideration, see Measures Considered Without Reference.)....	643	644, 663, 697

RESOLUTIONS RELATING TO THE ORGANIZATION AND TO FACILITATE THE PROCEEDINGS OF THE CONVENTION.

Introduced by	TITLE.	Page.
Mr. Aldrich	Authorizing the President to appoint two additional laborers	81
Mr. Aldrich	Providing for the indexing and distribution of printed copies of the Permanent Journal of the proceedings of the Convention	714
Mr. Aldrich	Appropriating $1 per day additional for services of Sergeant-at-Arms	686
Mr. Austin	Substitute for resolution to add another member to the Committee on Counties and County Government	226
Mr. Bellinger	Fixing salaries of certain officers of the Convention	325, 417
Mr. Breazeale	Substitute authorizing the Committee on Counties and County Government to submit two reports	226
Mr. Breazeale	Authorizing the payment of two additional laborers	371
Mr. Breazeale	Authorizing the printing of additional copies of the Journal of Proceedings	510
Mr. Buist	Instructing the Committee on Rules to prepare a rule limiting debate	321
Mr. Buist	Authorizing an autographic list of delegates of the Convention	177
Mr. Conner	Regulating the hours of the daily sessions of the Convention	597
Mr. Dudley	Ordinance to provide for an alphabetical index and marginal notes to the Constitution and ordinances of the Constitutional Convention of 1895	510, 671, 698, 705
Mr. Efird	To elect a Reading Clerk	13
Mr. Efird	Authorizing the appointment of clerks for various committees	16
Mr. Efird	That Standing Committees need not withhold reports until after the 23d	133
Mr. Efird	Authorizing the Comptroller-General to draw his warrant for the account of C. A. Calvo, Jr	324
Mr. Ellerbe	Allowing the Chaplains of the Convention $25 in addition to the amount provided	701
Mr. Ellerbe	To adjourn on Tuesday, October 4, to meet on Tuesday, January 14, 1896	288, 295
Mr. W. D. Evans	Recommitting Chapter VII of the report of the Committee on Rules	80
Mr. W. D. Evans	Relating to the hours of the daily sessions of the Convention	597
Mr. W. D. Evans	Resolution in regard to paying the State Printer	650, 663, 698, 705
Mr. W. D. Evans	Authorizing the Secretary to add the names of deceased members to the Constitution	727
Mr. W. D. Evans	Ordinance to provide for the payment of the per diem and mileage of the delegates, officers and employees of the Convention, and other necessary expenses, and to require the General Assembly to make additional appropriations to pay the same	623, 651, 662, 705
Mr. Fraser	Requesting Committees to incorporate in proposed Articles all resolutions and ordinances upon which they report favorably	216

RESOLUTIONS RELATING TO THE ORGANIZATION AND TO FACILITATE THE PROCEEDINGS OF THE CONVENTION.

Introduced by	TITLE.	Page.
Mr. Fraser	Authorizing the Committee on Style, Order and Revision to employ additional clerks	687
Mr. Garris	Relating to per diem and mileage due deceased members	651, 658
Mr. Gary	Limiting speeches to ten minutes	525
Mr. Gray	Authorizing the President to appoint two assistant clerks, six pages and four laborers	14
Mr. Gray	Authorizing the Secretary of the Convention to furnish the Convention and the several Committees necessary stationery	18
Mr. Gray	Requesting the State Printer to print the proceedings of the Convention at the scale of prices paid by the Legislature until permanent award of same	18
Mr. Gray	Authorizing C. A. Calvo, Jr., to print five hundred copies of the Permanent Journal of Proceedings	100
Mr. D. S. Henderson	Inquiring the cost of a stenographic report of the proceedings	18, 75
Mr. Wilie Jones	Allowing the Secretary of the Convention the additional sum of $50 for stationery	227
Mr. Lee	Instructing the Committee on Rules to prepare a resolution permitting pairing	304
Mr. McCalla	Instructing the State Treasurer to report whether he has sufficient funds in hand to pay the expenses of the Convention	597
Mr. McGowan	Revoking leaves of absences	525
Mr. McCown	Instructing the Committee on Suffrage to report a clause in favor of women's suffrage	129, 292
Mr. McMahan	Instructing the Committee on Printing to engage a stenographer to preserve a complete record of the proceedings	132
Mr. W. J. Montgomery	Authorizing the Chief Clerk of the Engrossing Department to expend $25 for stationery	133
Mr. Otts	Extending the privileges of the floor to Confederate Veterans	535
Mr. Otts	To add Hon. J. W. Floyd to the Committee on Counties and County Government	226
Mr. Prince	Allowing the employees of the Convention the same mileage as members	326
Mr. Prince	Resolving that the Convention will not create any new Counties	77, 93, 94
Mr. Russell	Relating to the Public Printer and printing	18, 74, 96, 100
Mr. Russell	Authorizing the appointment of an additional Mail Clerk	434, 437
Mr. Sheppard	Authorizing the Secretary of State to permit absent members to sign the Constitution	702
Mr. Sheppard	To adjourn *sine die* on the fourth day of December, 1895	703
Mr. Sheppard	Instructing the Committee on Finance and Taxation to report an ordinance to maintain and support the State government until the meeting of the General Assembly	592

RESOLUTIONS RELATING TO THE ORGANIZATION AND TO FACILITATE THE PROCEEDINGS OF THE CONVENTION.

(*) indicates aye and nay vote.

Introduced by	TITLE.	Page.
Mr. Sheppard	Declaring that the elective officers of the Convention be a President, two Vice Presidents, a Secretary, a Sergeant-at-Arms and a Reading Clerk	8
Mr. Sheppard	Authorizing the President of the Convention to appoint various standing Committees	14, 15
Mr. Sheppard	Relating to the compensation of members of the Convention	18, 19
Mr. Sheppard	Requesting the Committee on Contingent Accounts and Expenses to report an ordinance providing for the disbursement of the appropriation made by the General Assembly to defray the expenses of the Convention	371
Mr. Sheppard	Authorizing the President to fill in certain blanks	702
Mr. Sheppard	Providing for the printing and distribution of copies of the Constitution	702
Mr. B. R. Tillman	That the Convention adjourn from Friday, October 4, to Tuesday, October 15	*325, 326
Mr. B. R. Tillman	Substitute for resolution of Mr. Gary limiting speeches to 10 minutes	525
Mr. B. R. Tillman	Appointing a Steering Committee. [For consideration see General Index.]	*595, *596
Mr. Stanyarne Wilson	Declaring the roll of delegates in possession of the Secretary of State duly qualified	2
Mr. Stanyarne Wilson	Authorizing the President to appoint various officers and laborers	14
Mr. Stanyarne Wilson	Refusing to entertain resolutions to revise, amend or change the Constitution after 23rd inst	99
Mr. Stanyarne Wilson	Authorizing the Committee on Judicial Department to have certain drafts printed	243
Mr. Wharton	Limiting speeches to 10 minutes on all except the suffrage question [Consideration: Amendments, Mr. Patterson, 321; Messrs. Wigg and Von Kolnitz, 322; Mr. McCown, *allowing disposition of time as member desires, 322; Mr. Aldrich, *to lay on table, 368; Messrs. Hutson and Aldrich, 368; *on adoption, 368.]	283, 321
Mr. Winkler	That the Convention adjourn on Friday, October 4, to meet on Tuesday, October 15	296
Committee on Printing	Electing Charles A. Calvo, Jr., printer for the Convention	74
Mr. Fraser, for Committee on Style, Order and Revision	Resolution as to printing Articles which have passed a third reading	291
Committee on Rules	Relating to the hours of the daily sessions of the Convention	274
Committee on Rules	That members may "pair" upon any question before the Convention,,	321
Committee on Rules	Resolution relating to the preservation of ordinances, resolutions, etc., and the distribution of printed copies of the same	373, 415
Committee on Rules	Resolutions to facilitate the proceedings of the Convention	513, 544, 545

RESOLUTIONS.

Introduced by	TITLE.	Page.
Mr. Breazeale..... ..	Relating to the death of a daughter of Hon. Ira B. Jones, and to his unavoidable absence..... ..	226
Mr. Bates.....	Substitute for resolution relating to an editorial in "The State" newspaper	156
Mr. Clayton.....	Relating to the death of Hon. J. M. Sprott. (For consideration, see "General Index.")....	658
Mr. W. D. Evans... ...	Relating to the death of Hon. R. H. Hodges. (For consideration, see "General Index.")	385, 402
Mr. Patton.	Expressing sympathy with the Cuban patriots.....	272, 336
Mr. Miller.....	Relating to a reported assault upon a citizen by the name of Anderson.....	260, 271
Mr. W. J. Montgomery.	Thanking the Committee on Style, Order and Revision for its services...	728
Mr. Patterson.....	Relating to an editorial in "The State" newspaper..... [Consideration: Report of Committee, containing substitute, 156; substitute (Mr. Patterson), 156; substitute (Mr. Bates), 156, 157; amendments, Messrs. Aldrich and Gage, 157; Mr. Barker, *to indefinitely postpone the whole matter, 157, 158; reasons for votes upon, 159, 160, 161.]	154, 156, 157, 158
Mr. Patterson.....	Expressing appreciation of the ability and courtesy of the presiding officer, and of the services of the other officers of the Convention..	728
Mr. Gage....	Substitute for resolutions relating to an editorial in "The State" newspaper.....	157
Mr. D. S. Henderson....	Relating to the death of Judge George S. Bryan	288
Mr. McWhite..... ...	Relating to the death of Hon. J. O. Byrd. (For consideration, see "General Index.")	339, 364, 365, 380

ORDINANCES CONSIDERED WITHOUT REFERENCE.

Introduced by	TITLE.	Introduced.	Other Proceedings.
Mr Conner.	Ordinance to authorize the General Assembly to provide for a sinking fund in the several Counties of the State to enable the same to do business on a cash basis ..... [Consideration: Mr. Conner, *669; Mr. Meares, *to indefinitely postpone, 670; Mr. W. B. Wilson, *to lay on table, 671; Mr. Rogers, *to insert "shall" for "may," 698.]	496	705 669, 670, 671, 698,
Mr. Ellerbe.....	Ordinance to dispense with the holding of the approaching session of the General Assembly.....	325	578
Mr. W. D. Evans.....	Ordinance to provide for the payment of interest on the public debt of the State of South Carolina to become due on the first day of January, 1896, and to make appropriations for this purpose..	623	651, 662, 705
Mr. Gray.....	Ordinance to provide that the General Assembly may hereinafter enact such laws as may be necessary to validate and carry into effect the subscriptions to the capital stock of the Carolina, Knoxville and Western Railway Company heretofore voted for and authorized by the qualified voters of Greenville County..... [Consideration: Amendments — Mr. Austin, 529; ordered engrossed, 529.]	379	418, 569, 580, 706
Mr. Henry.....	Requiring the General Assembly to provide compensation for Commissioners and Managers of Election for delegates to the Convention.....	658	666, 699
Mr. E. J. Kennedy	Ordinance allowing the General Assembly to provide for validating and carrying into effect subscriptions heretofore made by Chesterfield and Spartanburg Counties to the capital stock of any railroad corporation ..... [Amendments of Committee on Style, Order and Revision, 579, 580.]	370	597 396, 437, 513, 579,
Mr. E. J. Kennedy.,....	Ordinance to provide that the General Assembly may hereinafter enact such laws as may be necessary to validate and carry into effect the subscriptions to the capital stock of the Chesterfield and Kershaw Railroad Company heretofore voted for and authorized by the qualified voters of Chesterfield County..	374	597 437, 438, 497, 513.
Mr. Ragsdale.	Ordinance to validate and carry into effect subscriptions to the capital stock of the Cape Fear and Cincinnati Railroad Company and the Wadesboro, Winnsboro and Camak Railroad Company.. [Consideration: Mr. McGowan, 621.]	608	621, 655, 705
Mr. Wells.....	Ordinance to postpone the next regular session of the General Assembly from the fourth Tuesday in November, 1895, to the second Tuesday in January, 1896..... [Consideration: Amendments—Mr. Efird, 568; 570; adopted, 573, 574; Order, Style and Revision Committee, 575.]	486	568

ORDINANCES CONSIDERED WITHOUT REFERENCE.

Introduced by	TITLE.	Introduced.	Other Proceedings.
Committee on Contingent Accounts and Expenses.....	Ordinance defining the pay and mileage of members, officers and employees of this Convention...	501	655
	[Consideration: Made special order, 568; 575; made special order, 584; Section 1, Messrs. Nicholson and Barton, 585; Mr. Nicholson, *relating to pay of members, 585; Messrs. Nicholson and Sligh, 286; Messrs. Winkler, Ragsdale, Harrison, Snialls, W. D. Evans, W. B. Wilson and McCown, 587; Mr. Ragsdale, to reconsider, *relating to pay of Postal Clerk, 588; Mr. Johnson, 588; Mr. Talbert, *to reconsider, relating to pay of Secretary, 588, 589; Messrs. Austin and W. D. Evans, 589; Mr. Stanyarne Wilson, *relating to pay of Assistant Secretary, Bill Clerk and Journal Clerk, 589, 590; Mr. Stanyarne Wilson, 590; Messrs. Ragsdale, Rogers and W. D. Evans, 590; Mr. Geo. Johnstone, *to recommit, 590, 591; Mr. B. R. Tillman, *to adjourn, 591; Mr. Stanyarne Wilson, *relating to pay of members, 592; Mr. McGowan, 593; Mr. Fields, 598. Report of Committee on Style, Order and Revision, 705; amendments, Messrs. Field and Clayton, 655; read third time, 655.]		
Committee on Contingent Accounts and Expenses.....	Resolution providing for the payment of and dispensing with the services of the clerks in the Engrossing Department	426	435, 426, 437
	[Consideration: Mr. Wilson, 435; Mr. Bowman, *to indefinitely postpone report of Committee, 436, 437; Messrs. Gary and Fitch, 437.]		
Committee on Counties and County Government	Ordinance to relieve the contemplated new County of Seabrook from the provisions of this Constitution.....	610 519	
	[Consideration: Petitions—for, 497; against, 500. Mr. Austin, 529; Messrs. W. B. Wilson, R. F. Smith and G. D. Tillman, 666; on amendment, Mr. W. B. Wilson, *excepting Rock Hill, 666, 667; reasons for voting on, 667, 668; *on adoption of ordinance, 668; *on motion to reconsider rejection, 668.]		
Committee on Judicial Department.....	"Schedule.".....	643	644, 663, 697
	[Consideration: Section 1, Mr. Fraser, 697; Mr. Geo. Johnstone, 697. Section 7. Mr. Fraser, 697. Section 8. Mr. S. Wilson, 697. Section 9. Mr. S. Wilson, 697.]		

CLASSIFIED INDEX.

An Asterisk (*) Indicates an Aye and Nay Vote.

ORDINANCES AND RESOLUTIONS ACTED UPON BY THE COMMITTEE ON DECLARATION OF RIGHTS.

Introduced by	TITLE.	Introduced.	Other Proceedings.
Mr. Aldrich	Article 9 of draft of a Constitution. (Printed on page 59)	35	58, 274
Mr. Patton	A resolution to preserve the right of trial by jury	84	274
Mr. Sloan	Resolution that no person who denies the existence of the Supreme Being shall be eligible to any office under this Constitution	102	275
Mr. I. R. Reed	Resolution for the protection of persons charged with crimes and misdemeanors	123	275
Mr. Parler	A resolution relating to the rights of accused	131	275
Mr. Meares	Resolution forming Article 1 of the Constitution on Declaration of Rights	134	275
Mr. Mower	An ordinance relating to the Declaration of Rights	144	275
Mr. McMahan	An Ordinance to forbid discrimination on account of religion	185	252

REPORTS.

Upon various ordinances and resolutions 274, 275.
Report of Committee containing proposed Article, 275.

CONSIDERATION.

Section 1—Mr. Ragsdale, 345.
Section 2—345; Mr. B. R. Tillman, 654.
Section 3—Mr. B. R. Tillman, 345.
Sections 4, 5, 6 and 7—345.
Section 8—345; 712.
Section 9—345.
Section 10—Mr. Bellinger, 345.
Section 11—345.
Section 12—Mr. B. R. Tillman *to strike out Section 12 "that all elections shall be free and open," etc., 345; Mr. W. B. Wilson *to strike out "and open," 346; 652.
Section 13—Messrs. Meares and Wilson, 652; Mr. Prince, 653.
Sections 14 and 15—346.
Section 16—Mr. Mower, 347.
Section 17—Mr. Bellinger, 347.
Sections 18 and 19—347.
Section 20—Mr. Stanyarne Wilson, 347; Messrs Mower and Ragsdale, 653; Mr. Stanyarne Wilson *dispensing with grand jury in certain cases, 653; Messrs. Bowman, Fraser and Meares, 654.
Section 21—Mr. Bellinger, 347; Mr. Rogers, 356; 654.
Section 22—347; 654.
Sections 23, 24, 25 and 26—347.
Section 27—Mr. Sheppard, 347; Mr. George Johnstone, 358.
Section 28—349; 712.
Sections 29 and 30—347.
Section 31—Mr. Ragsdale, 347.
Sections 32 and 33—347.
Ordered to a third reading, 654; read third time, 697.

ORDINANCES AND RESOLUTIONS REFERRED TO THE COMMITTEE ON RIGHT OF SUFFRAGE.

Introduced by	TITLE.	Introduced.	Other Proceedings.
Mr. Aldrich	Article 4 of draft of a Constitution. (Printed on page 59.)	35	58
Mr. Clayton	Resolution, the right of suffrage not to be denied on account of sex	183	293
Mr. Efird	Resolution relating to the right of suffrage. (Printed on page 77.)	17	293
Mr. Gamble	Ordinance relating to the right of suffrage	101	292
Mr. Hodges	Resolution to make licensed ministers of the Gospel ineligible to hold office in South Carolina.	39	292
Mr. George Johnstone	Ordinance relating to the right of suffrage, being Article 8 of the present Constitution	53	292
Mr. George Johnstone	Ordinance in relation to suffrage and citizenship, being Article 8 of the present Constitution	222	292
Mr. McMahan	Ordinance to prescribe who shall be voters.		293
Mr. Parler	Ordinance relating to suffrage	110	292
Mr. Parrott.	Ordinance to extend the right of suffrage	151	293
Mr. Patton	Resolution for the regulation of suffrage in the State of South Carolina	42	292
Mr. Russell	Amendment to the Constitution, Article 8, Sections 1 and 2, on the right of suffrage	127	293
Mr. Smalls	Ordinance to regulate the right of suffrage	111	293
Mr. Taylor	Resolution relating to the qualification for office	110	292
Mr. W. B. Wilson	Resolution regulating the right of suffrage	121	292
The Committee on the Executive Department	Resolution providing that official residence shall not affect the right of suffrage of State officers	166	293

CONSIDERATION OF THE REPORT OF THE COMMITTEE ON RIGHT OF SUFFRAGE.

REPORTS.

On the matter of the contest from Williamsburg County, 153.
Reports upon various ordinances and resolutions, 292.
Recommending various amendments to the report of the Committee, 381.
Report of Committee, containing proposed Article, 297.

CONSIDERATION.

Substitutes proposed for report of Committee: By Mr. Wigg, 411; by Mr. Whipper, 412; *on adoption of same, 420; by Mr. Patton, 424, 425; *upon calling previous question on adoption of same, 428; *upon adoption of same, 429, 430.

Made special order, 347; *motion (Mr. Irby) to discharge special order, 410; to lay motion on table (Mr. B. R. Tillman), 448.

Section 1—Mr. Miller, 410; 415; 421; Mr. B. R. Tillman, to allow political parties representation on Boards of Managers; *515, 516; Mr. W. D. Evans, *to reconsider and lay that motion on table, *516, 517.

Section 2—415; Committee, 381; Mr. Bellinger, 421.

Section 3—415; Mr. Clayton, *granting suffrage to both sexes, 421, *422, 423; Mr. Sligh, *permitting General Assembly to allow women's suffrage, 423, 424; Committee, 381; Mr. George Johnstone, 424.

Section 4—Committee, 381, 430, 431, 433; Messrs. Dudley, Montgomery and Jervey, 426, 427; Mr. S. Wilson, *substituting the "understanding" clause, 431; Mr. Bellinger, *to amend Mr. Jervey's amendment by adding "or upon proof that he voted in elections of '92 and '94," 432; Messrs. Parrott, Sheppard, Lee, Nash and Rogers, 435; Mr. Bellinger, 435; 443; Mr. Dudley, providing Australian ballot, etc., 433, *438, 439; Messrs. W. J. Montgomery, Parrott and Sheppard, 439; Messrs. Lee and George Johnstone, 440; Mr. Rogers, *to strike out property qualification, 441, 442; Mr. George Johnstone, 443; Messrs. Bryan and Stokes, 443; Mr. Stokes, 481; Mr. Aldrich, 481; Mr. Irby, *to strike out subsection "d," relating to educational and property qualifications, 293; Mr. R. F. Smith, 483; *on adoption of "Section 4," 483; Messrs. Talbert and B. R. Tillman, 513.

Section 5—Mr. Bryan, 433, 486, 487.

Section 6—Mr. Gamble, 435; Messrs. Bellinger, E. J. Kennedy and Doyle, 487; Messrs. Gamble and Wigg, 513.

Section 7—Committee, 433, 487.

Section 8—Committee, 434, 487; Messrs. Sheppard and Gage, 487; Mr. W. D. Evans, *to strike out after "provided," 487, 488; Mr. Bryan, 488; Mr. B. R. Tillman, 513.

Section 9—Messrs. Sheppard, George Johnstone and Wilson, 488; Mr. S. Wilson, 492.

Section 10—Mr. B. R. Tillman, 488.

Section 11—488; Messrs. Sheppard and Fitch, 489; Messrs. Bryan, George Johnstone and Fitch, 492; Messrs. Prince and Breazeale, 493; Mr. S. Wilson, *to reconsider amendment of Mr. Bryan, 493, 494; Mr. B. R. Tillman, 513.

Section 12—Committee, 381, 434; Mr. B. R. Tillman, 489; Messrs. B. R. Tillman and Hamel, 514; Mr. Prince, 515; Mr. Lee, 515; Mr. B. R. Tillman, 515; Mr. D. S. Henderson, 514.

Section 13—Committee, 381, 433, 434; Mr. D. S. Henderson, *to lay on table amendments of Mr. Meares, 489; Messrs. George Johnstone and Gage, 490; Mr. D. S. Henderson, *to lay on table amendment of Mr. Jeremiah Smith, 490; Messrs. Jeremiah Smith and Prince, 494; Mr. Meares, 494, 495; Mr. Dudley, 515; Mr. Prince, 515.

Sections 14 and 15—495.

Report of Committee on Engrossed Resolutions upon, 498.

Read third time, *516, 517.

Reasons for voting on final adoption, 517, 518.

ORDINANCES AND RESOLUTIONS ACTED UPON BY THE COMMITTEE ON LEGISLATIVE DEPARTMENT.

Introduced by	TITLE.	Introduced.	Other Proceedings.
Mr. Aldrich	Sections 1, 12 and 14 of drafts of a Constitution. (Printed on page 59.)	35	234
Mr. Austin	Resolution relating to the carrying of concealed weapons	221	245
Mr. Berry	Resolution providing for the registration of marriages	147	211
Mr. J. S. Brice	Resolution in regard to biennial sessions of the General Assembly	46	211
Mr. J. S. Brice	Resolution in regard to quadrennial elections	50	211
Mr. J. S. Brice	Resolution in regard to compensation of members of General Assembly	39	210
Mr. Buist	Resolution forbidding the General Assembly granting extra compensation under certain conditions.	102	210
Mr. Buist	Resolution forbidding the General Assembly to donate the property of the State to private corporations or individuals	105	210
Mr. Buist	Resolution forbidding the payment of salaries beyond the date of the death of any officer of this State	106	210
Mr. Burn	Resolution in regard to family homestead	41	211, 342
Mr. Connor	Resolution requiring biennial sessions of the Legislature and providing for a four year term of office	207	
Mr. Doyle	Resolution to prevent prize fighting	148	212
Mr. Dudley	Ordinance to provide for marriage licenses and record of same, with births and deaths, by Clerk of Court	101	211
Mr. Estridge	Resolution prohibiting attorney of a corporation from holding office of Senator or Representative	102	234
Mr. Gage	Ordinance to prohibit special legislation. (Printed on page 58)	35	211
Mr. Gamble	Ordinance relating to the right of suffrage. (See Committee on Right of Suffrage).	101	292
Mr. Garris	Resolution establishing the office of Commissioner of Labor	83	211
Mr. Gooding	Resoiution in relation to fishing in the unnavigable running streams and waters of this State.	148	212
Mr. Hamel	Resolution relating to the homestead	185	234, 342
Mr. D. S. Henderson	Resolution relating to the granting of divorces in this State. (Not printed.)	17	34
Mr. D. S. Henderson	Resolution as to the oaths to be taken by all the officers to be elected or appointed. (Not printed).	17	Unfinished. 93, 112, 187, 234
Mr. Howell	Resolution providing for homestead, amending Article 2, Section 32, of present Constitution	47	211, 342
Mr. Hutson	Resolution relating to the rights of married women. (Not printed)	17	34

ORDINANCES AND RESOLUTIONS ACTED UPON BY THE COMMITTEE ON LEGISLATIVE DEPARTMENT.

Introduced by	TITLE.	Introduced.	Other Proceedings.
Mr. E. J. Kennedy	Resolution limiting the tenure of office	172	234
Mr. Lowman	Article —. Power of the General Assembly over taxation	91	212
Mr. Lowman	Resolution to prohibit the intermarriage of whites with negroes, etc., or their living together as man and wife	150	211
Mr. McKagen	Resolution relative to the ineligibility of Senators and Representatives for any office of profit.	169	235
Mr. McMahan	Ordinance to empower the Legislature to enact laws regulating the competency of men to marry	217	245
Mr. McMahan	Ordinance to suppress indecent publications	222	245
Mr. McMahan	Ordinance to provide for a Department of Roads and Forestry. Messrs. Sheppard and McMahan, 376; Mr. McGowan, 376; Mr. Sheppard *to insert "may" for shall, 376; Mr. Otts, 377.	222	214, *376, 377
Mr. Moore	Ordinance to disallow distress for rent	91	212
Mr. Moore	Ordinance to compel the publication of city, town and village affairs by the Treasurer or authorized officer	182	234
Mr. Otts	Ordinance in regard to concealed weapons	172	234
Mr. Prince	Resolution relating to homestead and exemptions. (Printed on page 57.)	36	212
Mr. Prince	Resolution relative to the eligibility of members of the General Assembly and Judges to certain offices	150	211
Mr. Rogers	Resolution to abolish the right of dower in lands aliened by the husband during coverture	52	210
Mr. Sloan	Resolution as to the printing of the laws, Journals, Bills and legislative documents and papers for each branch of the General Assembly	109	212
Mr. Smoak	Resolution to prohibit members of the Legislature from voting on measures or Bills in which they have a personal interest	207	212
Mr. Smoak	Resolution making corporations responsible for the payment of work when a construction company fails to pay the laborers	86	175, 212
Mr. R. F. Smith	Resolution providing for a homestead, as a substitute for Section 32, Article 2.	42	211, 342
Mr. Sullivan	Resolution relating to public printing and furnishing supplies for public officers	122	175, 212
Mr. Taylor	Resolution to prohibit the intermarriage of white persons with negroes, mulattoes, or persons of mixed blood descended from a negro	106	212
Mr. G. D. Tillman	Resolution proposing an amendment to Section 6, Article 3, of the Constitution, relating to an apportionment of Representatives to the General Assembly	51	211

ORDINANCES AND RESOLUTIONS ACTED UPON BY THE COMMITTEE ON LEGISLATIVE DEPARTMENT.

Introduced by	TITLE.	Introduced.	Other Proceedings.
Mr. Wharton....	Resolution to regulate elections and fix the terms of officers	38	187, 234
Mr. Stanyarne Wilson..	Resolution providing for the creation, establishment and maintenance of a Bureau of Labor Statistics.	87	212

REPORTS.

Upon various ordinances and resolutions, 34, 191, 210, 211, 234.
Upon "Section 34," which was referred to them, 511.
Report of committee, containing proposed Article, 191.

CONSIDERATION.

Taken up—259.
Section 1—268.
Section 2—Mr. Sligh, *to elect legislators for two instead of four years, 268.
Section 3—Mr. Sligh, 268, 269; Mr. Barker, 269; 278.
Sections 4 and 5—269.
Section 6—Messrs. Wilson and Ragsdale, 269; Mr. Barker, *allowing Charleston two Senators, 270.
Section 7—Mr. B. R. Tillman, *to lay on the table substitute of Mr. Aldrich, to allow only white men seats in the Legislature, 270, 271; Messrs. B. R. Tillman, Barker, S. E. White, 279.
Section 8—Mr. Sheppard, 279; Mr. Sheppard, 314; Mr. Geo. D. Tillman, 693.
Section 9—Messrs. B. R. Tillman and Gray, 279; Mr. Derham, *to lay on table amendment of Mr. B. R. Tillman *relating to limitation of the time of the sessions of the General Assembly, 279, 280; Mr. Klugh, 280; Mr. Bryan, 615.
Sections 10 and 11—280.
Section 12—Mr. Gage, 280.
Section 13—Mr. Gage, 281.
Sections 14 and 15—281.
Section 16—Mr. Stanyarne Wilson, 281.
Section 17—281.
Section 18—281; Mr. Ira B. Jones, 693.
Section 19—Mr. Bellinger, 281.
Section 20—Messrs. Derham and Lee, 281; Mr. T. E. Johnson, *to lay on the table motion of Mr. Gray, relating to compensation of members of the General Assembly, 281, 282; Messrs. Gray and W. D. Evans, 314; Mr. Sligh, 323.
Sections 21, 22, 23 and 24—314.
Section 25—Messrs. Ragsdale and George Johnstone, 314.
Section 26—314. (See Errata.)
Section 27—Messrs. Wilson and Meares, *relating to dueling, 314, 315; Messrs. Byrd, Wigg and Henderson, 315; Mr. Jervey, 316; Mr. Sligh, *to lay on table amendment of Mr. Wilson relating to dueling, 316.
Section 28—317.
Section 29—317; Messrs Fraser, ——, J. L. Glenn, Farrow, B. R. Tillman, Prince, Howell, W. J. Montgomery, Meares, Ragsdale and W. B. Wilson, 317, 318; made special order, 341; 318; Mr. Howell, *relating to homestead, 353; Mr. Ragsdale, 353; Messrs. Fraser, Sheppard, Von Kolnitz, Gage and Sligh, 354; Mr. Prince, 355; Mr. McMahan, *relating to homesteads, 355; Mr. Sligh, *"no waiver mortgage or lien shall defeat," etc., 611, 612, 613; Messrs. Rogers, Sligh and Ira B. Jones, 614; Messrs. Fitch, Gage, Sligh and Ira B. Jones, 615; Mr. Sligh, 689; Mr. Howell, *relating to homestead, 687; Mr. Clayton, 688; Mr. McWhite, *to strike out Section, 689; Mr. B. R. Tillman, 689; Messrs. W. B. Wilson, Rogers and Prince, 690.
Sections 30 and 31—318.
Section 32—Mr. Gray, 318, 319.
Section 33—Mr. George Johnstone, 319; Mr. George Johnstone, 341.
Section 34—Messrs. George Johnstone, Smalls and W. D. Evans, 319; Mr. Cooper, *to amend amendment of Mr. Smalls, relating to miscegenation, 319; Messrs. Aldrich, Henderson, B. R. Tillman, 323, 324; Mr. George Johnstone, *to lay on table motion of Mr. B. R. Tillman, relating to punishment for intermarriage of the races, 324; Messrs W. D. Evans and Fraser, 341, 342; report committee, 511; 615, 616; Mr. George Johnstone, *relating to intermarriage of races, 617; Mr. Ira B. Jones, 618; Mr. Smalls, *relating to same, 618; Mr. Sligh, 690; Messrs. McMahan and Henderson, 690; Messrs. Sheppard and W. B. Wilson, 690.
Section 35—Mr. Sloan, *to strike out Section 35, relating to dower, 336, 337.
Section 36—Mr. Stanyarne Wilson, 339; Messrs. Gage, Ragsdale, Von Kolnitz, Sheppard, Bates, Meares, Klugh, Von Kolnitz and Johnstone, 340.
Section 37—Mr. B. R. Tillman, 341.
Section —, Mr. Doyle, 418.
Section 38—Mr. Jeremiah Smith, *to strike out Section, 690, 691.
Section —, Mr. McMahan, *limiting the number of acres of land foreigners can hold, 619.
Section —, Mr. Doyle, *limiting expenses of administering estates, 620.
Ordered to a third reading, 621.
Report Committee on Engrossed Resolutions and Ordinances, 663.
Section —, Mr. Stanyarne Wilson, *providing for the establishment of a Labor Bureau, 692.

ORDINANCES AND RESOLUTIONS ACTED UPON BY THE COMMITTEE ON EXECUTIVE DEPARTMENT.

Introduced by	TITLE.	Introduced.	Other Proceedings.
Mr. Aldrich	Article 2 of draft of a Constitution. (Printed on page 59.)	35	58, 200
Mr. Gray	Resolution relating to commutations of sentence, pardons, etc. (Printed on page 79.)	35	200
Mr, Ragsdale	Resolution relating to the veto power of the Governor as to Bills appropriating money from the Treasury. (Not printed.)	36	56, 200
Mr. Russell	Amendment to Constitution, Article III, Section 2, and also Article IV, Section 27	107	200
Mr. Rogers	Resolution to provide and fix salaries for all Constitutional officers	47	153, 200
Mr. Smoak	Resolution to define the conditions of Executive pardons	111	200

REPORTS.

Upon various ordinances and resolutions, 200.
Report of Committee containing proposed Article, 201.
Minority report of C. M. Efird, L. S. Conner, J. N. Estridge and J. T. Douglass, 200.

CONSIDERATION.

Section 1—223.
Section 2—Mr. Aldrich, *extending the term of the Governor to four years, 223, 224.
Section 3—Messrs. Miller, McMahan and Aldrich, 224; Mr. McMahan, 278.
Sections 4, 5, 6, 7 and 8—225.
Section 9—Mr. Efird, 229; Mr. Gage, 278.
Section 10—225.
Section 11—Messrs. Rogers, Sheppard, Johnstone and Derham, 225; Mr. Timmerman, *to reconsider postponement of Mr. Johnstone's amendment, 229; Messrs. Meares and Derham, 230; Mr. Derham, 239.
Section 12—230.
Section 13—Mr. Rogers, 230.
Section 14—Mr. B. R. Tillman, 230.
Section 15—230; Mr. Efird, 278.
Sections 16, 17, 18, 19 and 20—230.
Section 21—Mr. B. R. Tillman, 230.
Section 22—Mr. Efird, for minority and Messrs. Haynesworth, Johnstone and Gage, 231; Mr. Gage, 238; Messrs. J. L. Glenn, Efird and Howell, 238; Mr. Talbert, *to indefinitely postpone whole matter, 239.
Section 23—239.
Section 24—Messrs. Winkler, Prince and Breazeale, 239.
Ordered to a third reading, 240.
Read third time, 278.

ORDINANCES AND RESOLUTIONS ACTED UPON BY THE COMMITTEE ON JUDICIAL DEPARTMENT.

Introduced by	TITLE.	Introduced.	Other Proceedings.
Mr. Aldrich	Draft of a Consttution. (Printed on page 59.) (Re-referred on page 58 to various Committees.)	35	58
Mr. Aldrich	Article 3 and the ordinance portion of draft of a Constitution. (Printed on page 59.)	35	58, 326, 700
Mr. Bowman	Resolution amending Article IV of the Constitution, relating to the Judicial Department	103	326, 700
Mr. Buist	Resolution to amend Article 5 of the Constitution, in relation to murder and manslaughter	180	236, *285, 327
Mr. Clayton	Article —. The Judicial Department, so far as the same relates to the Courts of this State	116	326, 700
Mr. Dudley	Ordinance to provide a Supreme Court and manner of election	109	326, 700
Mr. Farrow	Resolution in reference to the creation of Courts and the jurisdiction thereof, amending Article 4 of Constitution of the State	39	326, 700
Mr. Fitch	Resolution amending Article IV of the Constitution of the State and creating Courts with the jurisdiction thereof	137	326, 700
Mr. Fraser	Ordinance to establish a Court of Errors for Constitutional and other questions referred to it	133	326
Mr. Fraser	Ordinance to provide for the transfer of the State government from the old Constitution to the new Constitution adopted at this Convention	615	672
Mr. D. S. Henderson	Resolution as to the oaths to be taken by all the officers to be elected or appointed. (Not printed.)	17	93, 112, 187
Mr. D. S. Henderson	Resolution relating to trial by jury and the compensation of juries. (Not printed.)	17	700
Mr. Hodges	Resolution as to judgments	47	197, 326, 376
Mr. Howell	Resolution relating to married woman's property, now Section 8, Article 14, of present Constitution.	147	187, 226
Mr. Hutson	Resolution to define the rights of married women as to property. (Not printed.)	36	187
Mr. Hutson	Resolution relating to the power of Judges to charge juries	85	326, 700
Mr. Klugh	Resolution relating to insurance companies	171	233, 327
Mr. McGowan	Ordinance fixing the age of consent for women. [Consideration: Messrs. McGowan and Prince, 607; Mr. R. F. Smith, *to insert "14" for "16," 607, 608; Mr. Jervey, 608; incorporated in Constitution, 704.]	218	223, 369, 662, 704
Mr. McKagen	Resolution relative to the ineligibility of Senators and Representatives for any office of profit	169	235, 327
Mr. McMahan	Ordinance relative to the concurrence of the whole number of a jury	208	236, 327, 343
Mr. McWhite	Ordinance providing that bribery shall be punished as provided by law	86	187, 326
Mr. Miller	Ordinance to provide that the Constitution shall be submitted to the people to be ratified	89	326, 700

ORDINANCES AND RESOLUTIONS ACTED UPON BY THE COMMITTEE ON JUDICIAL DEPARTMENT.

Introduced by	TITLE.	Introduced.	Other Proceedings.
Mr. Moore	Ordinance to provide compensation by exemplary damages for death resulting from willful act, omission or gross negligence.	167	232, 327
Mr. Moore	Ordinance relating to the granting of free passes	170	223
Mr. Moore	Ordinance relating to contracts between employers and employees	172	223
Mr. Mower	Ordinance relating to the Judicial Department	178	327, 700
Mr. Oliver	Ordinance relating to mechanics' liens, etc	183	327, 700
Mr. Otts	Resolution creating the office of Probate Judge and defining his duties	51	326, 700
Mr. Otts	Ordinance to abolish the fee system	222	285, 326, 342
Mr. Sloan	Resolution for the removal of all causes by the General Assembly to the Courts created by the Constitution	105	326, 700
Mr. R. F. Smith	Ordinance providing for keeping record of marriages	108	187, 326
Mr. Smoak	Resolution to prohibit public trial of certain cases and the publication of details of such trials	87	187, 326
Mr. Stokes	Outline of judicial system	43	326, 700
Mr. G. D. Tillman	Resolution proposing an Article in the Constitution to re-establish the whipping post to properly punish vagrants, petty thieves and habitual wife-beaters	151	187
Mr. Wharton	Resolution to regulate elections and fix the terms of officers	38	187, 326

REPORTS.

Upon various ordinances and resolutions—187; 188; 197; 233; 234; 235; 326; 227; 380; 644; 700.
Reporting "Schedule"—642, 644, 663.
Report of Committee containing proposed Article--327.

CONSIDERATION.

Made special order—560.
Substitute proposed by Mr. Jervey—624, 625, 626, 627, 628.
Section 1—628; Messrs. Wilson, Barker, McGowan and B. R. Tillman, 649; Mr. S. Wilson, 693, 694.
Section 2—Mr. Ragsdale, *relating to manner by which Supreme Court shall decide causes, 628; Mr. McGowan, 630, 635; Mr. Ragsdale, 630, *relating to election of Judges by the people, 635; *making term of office four years, 636; Mr. S. Wilson, 693; Mr. Kennedy, 694.
Section 3 -Mr. Wilson, 637; 694.
Section 4—Mr. McGowan, 631; 637; 694.
Section 5—Mr. Patton, 630, 637; 638; 694.
Section 6—Mr. McGowan, 631; 638; Mr. S. Wilson, 693; 694.
Section 7—638; 694.
Section 8—638; 694; 714.
Section 9—638; Mr. S. Wilson, 693; 694.
Section 10—Mr. D. S. Henderson, 630; 638; Mr. McGowan, 631, 638; Mr. B. R. Tillman, 638; Mr. S. Wilson, 693; 694.
Section 11—Mr. Gilland, 638; 694.
Section 12—Mr. D. S. Henderson, 630, 638, 639; Mr. Lee, 631; Mr. Bates, 630; Mr. D. S. Henderson, 694; Mr. Breazeale, 694.
Section 13—Mr. Ragsdale, *relating to election of Judges by the people, 639, 640; *making term of office four years, 640; Mr. Garris, *requiring Judges to reside in County at time of election, 641, 642.
Section 14—642; 694.
Section 15—642; 694.
Section 16—Messrs. Fitch, Barker and Wilson, 642; Mr. J. D. Montgomery, 694, 695.

Section 17—Mr. McGowan, 631, 642; 695.
Section 18—Messrs. Meares and Bowman, 642; Mr. Meares, 695.
Section 19—643; Messrs.Geo. Johnstone and Clayton, *relating to Probate Courts, 647, 648; 649; 695.
Section 20—Messrs. I. R. Reed and Miller, 643, 644; Mr. Wilson, 694; 695.
Section 21—Mr. Geo. Johnstone, 645; Mr. Meares, 695.
Section 22—Mr. D. S. Henderson, 629, 645; Messrs. Wilson and Barker, 645; Mr. S. Wilson, 694, 696.
Section 23—645; Mr. Ragsdale, 646; Messrs. Wilson and Miller, 646; 696.
Section 24—645; Mr. Bryan, 646; 696.
Section 25—645; Mr. Wilson, 645; Mr. S. Wilson, 694; 696.
Section 26—Mr. McGowan, 645; 696.
Section 27—646; 696.
Section 28—646; 696.
Section 29—646; 696.
Section 30—Mr. Barker, 646; 696.
Section 31—646; 696.
Section 32—646; 696.
Section 33—Mr. Fitch, *to strike out "all inferior Courts thereto," 646, 647; Mr. Barker, 647; 696.
Section 34—Mr. B. R. Tillman, 647; Mr. Bowman, *to strike out Section, 696; ordered to a third reading, 650; read third time, 697.
Section 35—696.
Section 36—Mr. Aldrich, 697.

ORDINANCES AND RESOLUTIONS ACTED UPON BY THE COMMITTEE ON JURISPRUDENCE.

Introduced by	TITLE.	Introduced.	Other Proceedings.
Mr. Aldrich..... . ..	Articles 7 and 8 of draft of a Constitution. (Printed on page 59.)..	35	58
Mr. Doyle....	Resolution to limit expenses of administering estates. (Printed on page 305.).	51	305, 415, 418
Mr. Estridge.....	Resolution requiring that all the expenses of the Court of General Sessions for each County be paid by the State. (Re-referred to Committee on Finance and Taxation.).	184	304, 305
Mr. McGowan.	An ordinance fixing the age of consent for women. (See Judiciary Committee.).....	218	369, 704
Mr. McWhite	Sections 1, 2, 3, 4 and 5 of resolution to provide punishments, penal institutions and public charities. (See Errata.)..	118	213, 235, 356

REPORTS.

Upon various ordinances and resolutions, 304, 305, 356; 369.
Report of Committee containing proposed Article, 357.
Minority report, substitute for Section 6, Mr. Bellinger, 358.

CONSIDERATION.

Section 1—415.

Section 2—417; Mr. George Johnstone, 496; 497; Mr. George Johnstone, *relating to change of venue, 503; Mr. D. S. Henderson, *to lay on table various amendments by Mr. Efird, 504; Mr. B. R. Tillman, 504; Mr. S. Wilson. *relating to change of venue, 505; Mr. Sheppard, 506; Mr. D. S. Henderson. *relating to change of venue, 506, 507.

Sections 3 and 4—415.

Section 5—416; Messrs. Stribling, Bellinger and Efird, 521; Messrs. Ira B. Jones, Bellinger and Efird, 520.

Section 6—Mr. Bellinger, 417; Messrs. Rodgers, D. S. Henderson, Lee and S. Wilson, 520, 523; Mr. George Johnstone, *relating to change of venue, 523, 526; Mr. Bellinger, *substitute for Section, prescribing penalties for mob violence, 526. 527; Messrs. B. R. Tillman, Gray and Patterson, *prescribing penalties for mob violence, 527, 528; Mr. Bellinger, 528; Section as amended, 528; proposed amendment, Mr. George Johnstone, 529; Mr. B. R. Tillman, 655; Mr. J. C. Sheppard, *prescribing damages for mob violence, 655; Mr. Patterson, 656; Mr. Breazeale, *prescribing damages for lynchings, 656, 657; Mr. Bellinger, 657.

Section 7—Mr. Patton, *relating to injunction process, 508, *511.

Ordered to a third reading, 417.

Read third time, 657.

ORDINANCES AND RESOLUTIONS ACTED UPON BY THE COMMITTEE ON COUNTIES AND COUNTY GOVERNMENT.

Introduced by	TITLE.	Introduced.	Other Proceedings.
Mr. J. S. Brice	Resolution relating to the formation of new Counties	183	256
Mr. Efird	Resolution relating to Counties and County government. (Printed on page 130.)	18	292
Mr. W. D. Evans	Resolution on creation of new Counties	43	292
Mr. Gage	Ordinance to regulate the formation of new Counties	88	292
Mr. Gaillard	Ordinance providing for the election of County Auditors and County Treasurers	207	256
Mr. Hamel	Ordinance providing that the Legislature shall establish new Counties when certain provisions are complied with	184	256
Mr. Harrison	Resolution relating to County government	170	256
Mr. Hiers	Formation of new Counties, Article 2. Section 3, of present Constitution	46	292
Mr. George Johnstone	Ordinance relating to the area and formation of Counties, being Article 2 of the present Constitution	218	
Mr. Klugh	Resolution relating to the formation of new Counties	173	256
Mr. Klugh	Resolution relating to public roads	169	
Mr. McMahan	Ordinance to render Counties liable in certain cases.	217	256
Mr. Nicholson	Resolution for creation of the office of Inspector of public County accounts and of illuminating oils.	175	
Mr. Otts	Article relating to Counties	124	256, 292
Mr. Otts	Ordinance relating to road tax and road duty	172	256
Mr. Parler	Resolution relating to the election of County Treasurers and the assessment and collection of taxes.	149	256
Mr. George E. Prince	Resolution relating to the formation of new Counties. (Not printed.)	18	
Mr. Russell, by request.	Ordinance to establish a new judicial and election County from portions of the territory of Abbeville, Greenville, Laurens and Anderson Counties, to be called Washington County, with boundaries as hereinafter described	49	
Mr. Scarborough	Ordinance to establish a new judicial and election County from portions of the territory of Kershaw, Chesterfield, Darlington and Sumter, to be called Calhoun, with boundaries as hereinafter designated	89	
Mr. Smoak	Resolution to create the new County of Calhoun from portions of Orangeburg and Lexington	86	
Mr. Talbert	Ordinance to establish a new judicial and election County from a portion of the territory of the Counties of Abbeville and Edgefield, to be called McCormick, with boundaries as hereinafter designated	52	

ORDINANCES AND RESOLUTIONS ACTED UPON BY THE COMMITTEE ON COUNTIES AND COUNTY GOVERNMENT.

Introduced by	TITLE.	Introduced.	Other Proceedings.
Mr. B. R. Tillman.....	Ordinance to establish a new judicial and election County from portions of the territory of Abbeville and Edgefield Counties, to be known as "Mart Gary" County. (Not printed.).....	35	
Mr. B. R. Tillman	Resolution for the formation of new Counties.....	45	292
Mr. G. D. Tillman	Ordinance to establish a new judicial and election County from a portion of the territory of Edgefield County, to be called "Saluda." (Printed on page 75.) .. .. [Consideration: Majority report upon, 75; minority report upon, 77; Mr. B. R. Tillman, 94; Committee, *to strike out "Saluda" and insert "Butler" 95; Mr. Timmerman, 96; Mr. B. R. Tillman, *to strike out "Butler" and insert "Saluda," 113, 114; Mr. Timmerman, 114.]	35	75, 95, 96, 112, 113, 114
Mr. George D. Tillman.	Resolution proposing amendments to Section 3, Article 2, of the Constitution, relating to the erection of new Counties, and the removal of County seats and consolidation of Counties.	45	292
Mr. Timmerman	Ordinance to empower and authorize the General Assembly to change County lines.....	125	292
Mr. S. E. White	Resolution changing names of judicial division from Counties to Districts.	115	292
Mr. Stanyarne Wilson, by request.....	Ordinance to establish a new judicial and election County from a portion of a territory of Spartanburg, Union, Laurens and Greenville, to be called Enoree.....	55	156

REPORTS

Of G. D. Tillman, A. K. Smoak, J. W. Kennedy, J. O. A. Moore, J. C. Otts and R. P. Stackhouse, 245.

Of J. T. Austin, R. L. Henry, T. E. Johnson, E. W. Redfearn, A. J. Harrison and Frank P. Gary, 255.

Exceptions of A. J. Harrison, 255; withdrawal of report of Mr. Harrison, 378.

On ordinance to establish Seabrook County, 518, 610.

Relating to ordinance to establish Saluda County, 75, 112, 113, 114.

Upon various ordinances and resolutions referred to them, 154, 256, 292.

CONSIDERATION.

Made special order—345, 323, 568.

Consideration of report of Mr. Austin and others, *378; to reconsider consideration, *382.

Section 1—Messrs. B. R. Tillman and Sheppard, 379; 380; Messrs. Prince, Efird, Scarborough, Buist, Gage and Ira B. Jones, 382; Mr. Otts, 542; 598.

Section 2—Mr. Otts, *to lay on table motion of Mr. McGowan to substitute "two-thirds" for "majority," 383; Mr. Otts, 383; Messrs. Buist, B. R. Tillman, J. S. Brice, Ira B. Jones and Prince, 384; Mr. B. R. Tillman, 396; Mr. B. R. Tillman, 409; Mr. McGowan, 410; Mr. Talbert, 598; Mr. Lee, 598.

Section 3—Mr. Patterson, *to lay on table motion of Mr. E. J. Kennedy to strike out "124th" and insert "60th," 384; Messrs. W. B. Wilson, Prince and B. R. Tillman, 385; Mr. Bellinger, *to lay on table motion of Mr. Tillman to insert "1½" for "two," relating to property qualification of Counties, 387; Mr. E. J. Kennedy, *to lay on table motion of Mr. W. B. Wilson, making provision for cities of 5,000 or more, 388; Mr. McWhite, *to strike out "400" and insert "450," relating to area of new Counties, 389; Messrs. Efird and B. R. Tillman, 390; Mr. W. B. Wilson, 543; Mr. W. B. Wilson, *excepting Rock Hill, 599.

Section 4—Mr. George Johnstone, 390; Mr. Otts, 542; Mr. B. R. Tillman, 600.

Section 5—Mr. Conner, 390; Mr. Prince, 391; Mr. B. R. Tillman, *to recommit the Section, with instructions, 391; Mr. Cooper, *to lay on table substitute of Mr. Prince relating to 10 mile limit. 392; Mr. E. J. Kennedy, *to lay on table motion of Mr. G. D. Tillman to strike out "10" and insert "7," 393; Mr. Talbert, *to strike out "10" and insert "8," 393; Mr. Talbert, *to reconsider and lay

that motion on table, 394; Mr. Prince, 396; Mr. Hamel, 542; Mr. Hamel, 600; Mr. McGowan, *substituting "10" for "8," 600; Mr. Lowman, substituting "9" for "8," 602, *604.
Section 6—396, 605.
Section 7—Messrs. Rogers and J. S. Glenn, 396; Mr. Stanyarne Wilson, *to lay proposed Section 7 on the table, 397; Mr. Breazeale, 398; Mr. McKagen, 398; 404; Mr. Gary, 404; 605.
Section 8—Mr. McGowan, 404; Messrs. Moore and W. B. Wilson, 605.
Section 9—Mr. Bellinger, 404; Mr. Wells, 409; 605.
Section 10—Mr. Buist, 404; 605.
Section 11—Mr. Buist, 404; Mr. Henderson, 404; Messrs. Barton and B. R. Tillman, 408; Mr. Barker, 410; 605.
Section 12—Mr. Buist, 404, 408; Mr. Wells, 409; Mr. Scarborough, 542; Mr. B. R. Tillman, 606.
Section 13—Mr. Buist, 405; Mr. Otts, 405; Messrs. Barton, Clayton and Taylor, 406, 407; substitute of Mr. Otts establishing township government, 408; Mr. G. D. Tillman, 409; Mr. W. C. Smith, 606.
Ordered to a third reading, 410.
Report of Mr. Otts and others—Laid on table, 410.
Report of Committee on Engrossed Resolutions and Ordinances, 425.
Section —, Mr. Otts, 542.
Section —, Mr. Otts, 542.
Read third time, 606.

ORDINANCES AND RESOLUTIONS ACTED UPON BY THE COMMITTEE ON MUNICIPAL CORPORATIONS AND POLICE REGULATIONS.

Introduced by	TITLE.	Introduced.	Other Proceedings.
Mr. Aldrich, by request.	Proposed Article in reference to the right to vote in incorporated towns and cities	85	189
Mr. Efird.	Resolution providing for the control of the manufacture and sale of intoxicating liquors and beverages under the exercise of the police power	44	189
Mr. Farrow	Ordinance to provide for the location of incorporated cities, towns and villages in this State, so that all portions of each respectively shall be in the same County [Consideration: Mr. Howell, 311; incorporated in report, 332.]	181	227, 310, 332
Mr. D. S. Henderson	Resolution as to the exercise of suffrage in the cities, towns and villages of the State. (Printed on page 185.)	17	189
Mr. George Johnstone	Ordinance relating to corporations, being Article XII of the present Constitution	223	363
Mr. Lybrand.	Resolution to regulate the manufacture and sale of intoxicating liquors	125	189
Mr. McCown	Resolution relative to the liquor traffic	46	189
Mr. Moore	Ordinance to regulate the extension of corporate limits of cities, towns and villages	181	227
Mr. Otts	Resolution to prevent the aiding of any railroad or other corporation by Counties, cities, towns and other municipal corporations subscribing to the capital stock thereof. (Printed on page 186.)	36	189
Mr. Russell	Amendment to Constitution, Article —, Section —, relating to municipal corporations	208	

REPORTS.

Upon various ordinances and resolutions, 188, 189.
Report of committee containing proposed Article, 188.

CONSIDERATION.

Section 1—Mr. Barker, 240; Committee, 266; Mr. B. R. Tillman, 267; Mr. B. R. Tillman, 311.
Section 2—240; Committee, 266; Mr. W. B. Wilson, 311; Mr. G. D. Tillman, *to lay on table substitute of Mr. Stokes to strike out "5,000" and insert "500," 311, 312; Mr. Henderson, 312; Mr. W. B. Wilson, 312; Mr. Bellinger, 312; Mr. Stanyarne Wilson, *to insert "except manufacturing towns," 312, 313.
Section 3—240,
Section 4—Mr. Barker, 240.
Section 5—240.
Section 6—Messrs. Prince and Wells, 240.
Section 7—Mr. Ragsdale, 240; Mr. Henderson, *to lay on table motion of Mr. George Johnstone relating to trial by jury, 241; Messrs. Jeremiah Smith and Hutson, 241; Mr. D. S. Henderson, 247; Mr. D. S. Henderson, 313.
Section 8—Messrs. Bates, Derham, Rogers, Bellinger and Clayton, 247.
Section 9—Messrs. Gray and Barker, 248; Mr. D. S. Henderson, 267; Mr. Patton, 331; Mr. Stanyarne Wilson, *to reconsider the vote whereby substitute of Mr. Patton was adopted, 332.
Section 10—Mr. Stanyarne Wilson, *to strike out Section relating to exemption of manufactories, 248, 249; Messrs. Rogers and S. E. White, 249; Mr. Stanyarne Wilson, *to indefinitely postpone the Section, 249, 250; Mr. Floyd, *requiring that the question be submitted to the people for ratification, 257; Mr. Sheppard, 258.
Section 11—Mr. Barker, 258.
Section 12—Messrs. Winkler and Johnstone, 258; Mr. George Johnstone, 266.
Section 13—Mr. D. S. Henderson, 258.
Section 14—Mr. McCown, 258; Messrs. Doyle, B. R. Tillman, Bellinger and Clayton, 258; Mr. Sheppard, *to indefinitely postpone substitute by Mr. Clayton prohibiting bar rooms, 299, 300; Messrs.

B. R. Tillman, Bellinger, Tillman and Stanyarne Wilson, 300; Messrs. Conner and Gary, 301; Mr. S. Wilson, *to lay on table motion of Mr. Farrow to reconsider vote on amendments of Mr. Johnstone, 301; Mr. Sheppard, 267; Mr. Doyle, *to amend by adding "but not for profit," 302; Messrs. Klugh (printed 304) and Hemphill, 302; Mr. D. S. Henderson, 303.
Section 15—Messrs. McKagen and Otts, 258, 259.
Sections 16, 17 and 18–259; Mr. D. S. Henderson, 313.
Ordered to a third reading, 313.
Report of Committee on Engrossed Resolutions, 331.
Resolution of Mr. Farrow, 310.
Read third time, 332. (See Errata.)

ORDINANCES AND RESOLUTIONS ACTED UPON BY THE COMMITTEE ON CORPORATIONS.

Introduced by	TITLE.	Introduced.	other Proceedings.
Mr. Bates	Resolution relating to corporations. (Not printed.).	35	263
Mr. Bellinger	Resolution relating to the charters of banking corporations.	108	263
Mr. Farrow	Ordinance to provide for the location of incorporated cities, towns and villages in this State so that all portions of each respectively shall be in the same County	181	227
Mr. Gage	Ordinance to prohibit the creation of corporations, except under general laws. (Not printed.).	35	263
Mr. George Johnstone	Ordinance relating to corporations, being Article XII of the present Constitution	223	263
Mr. McCalla	Ordinance creating office of Bank Inspector	249	263
Mr. Moore	Resolution restricting corporations to pursue business fixed by charter, etc	87	
Mr. Moore	Ordinance to regulate the extension of corporate limits of cities, towns and villages	181	227
Mr. Otts	Resolution to prevent the consolidation of railroad, electric car companies, telegraph companies, express companies, telephone companies and other corporations from consolidating with competing or parallel lines. (Not printed.)	37	263
Mr. Smoak	Resolution making corporations responsible for the payment of work when a construction company fails to pay the laborer.	86	175
Mr. Stokes	Ordinance relating to corporations, being Article I of the Constitution	142	263
Mr. Sullivan	Resolution prohibiting railroad corporations from consolidating with or controlling competing or parallel lines. (Not printed.)	36	263

REPORTS.

Upon various ordinances and resolutions referred to them, 175, 227, 263.
Report of Committee containing proposed Article, 263.

CONSIDERATION.

Made special order, 370.
Section 1—530; 657.
Section 2—Mr. Von Kolnitz, 530; 657; Mr. George Johnstone, 661.
Section 3—Messrs. Haynsworth, Stokes and B. R. Tillman, 530; Messrs. Stokes and Lee, 531; Messrs. J. L. Glenn and Stokes, 541; Mr. Hamel, *relating to liability, 657; Mr. Lee, 658; 660.
Section 4—Messrs. George Johnstone and Haynsworth, 530, 531, 541; Messrs. Ragsdale and Haynsworth, 541; Mr. Prince, 660.
Section 5—Mr. Stokes, 531; Messrs. Howell and Haynsworth, 660; Mr. W. B. Wilson, 685.
Section 6—Mr. Stokes, 531; Mr. Bryan, 541; Mr. Buist, 660.
Section 7—Mr. Stokes, 532; 660.
Section 8—Mr. Glenn, 532; Mr. B. R. Tillman, 532; 660.
Section 9—Messrs. S. Wilson and Oliver, 532; Mr. Mower, 660.
Section 10—Mr. Stanyarne Wilson, 532; 660.
Section 11—532; 660.
Section 12—Mr. Stanyarne Wilson, 532; 660.
Section 13—532; 660.
Section 14—Mr. Stokes, *relating to the Railroad Commissioners, 533; Mr. Stokes, 533; 660.
Section 15—Mr. Farrow, 533; 535; Mr. W. B. Wilson, *relating to damages for negligence, etc., 535, 536; Mr. D. S. Henderson, 537; Mr. Glenn, 537; 660.
Section 16—Mr. Stanyarne Wilson, 537; 660.
Section 17—Messrs. Stokes and George Johnstone, 537; 660.
Section 18—Mr. Stanyarne Wilson, 537, 538; Messrs. Ira B. Jones and Haynsworth, 538; Mr. Bryan, 538; Mr. Gage, 538; Mr. Bryan, *relating to responsibility of stockholders of banking corporations, 538, 539; Messrs. Gage and Stanyarne Wilson, 539; Messrs. W. B. Wilson and George Johnstone, 540; Mr. Gage, 540; Mr. W. J. Montgomery, *relating to liability of bank stockholders, 660, 661.
Section 19—661.
Section 20—Mr. Stokes, 531; 540; 661.
Section 21—Mr. Ira B. Jones, 661.
Read third time, 662; 685.

ORDINANCES AND RESOLUTIONS ACTED UPON BY THE COMMITTEE ON FINANCE AND TAXATION.

Introduced by	TITLE.	Introduced.	Other Proceedings.
Mr. Aldrich	Articles 10 and 13 of draft of a Constitution. (Printed on page 59.)	35	58, 225. Unfinished
Mr. Bates	Ordinance for exemption from taxation of certain widows and Confederate soldiers	207	284
Mr. J. S. Brice	Resolution relating to finance and taxation	181	
Mr. Buist	Resolution to amend Article 10 of the Constitution of the State, prohibiting the property or credit of the State, of any County, city, town, township, school district, from being donated, loaned, etc., to denominational institutions	123	237
Mr. Cooper	Ordinance to extend the time for the payment of State and County taxes for the fiscal year commencing November 1, 1892, in Beaufort County and part of Colleton County	632	634
Mr. Estridge	Resolution requiring that all expenses of the Court of General Sessions for each County be paid by the State	184	365, 373, 417, 699
Mr. W. D. Evans	Resolution on the collection of taxes	81	235
Mr. W. D. Evans	Resolution on increase of bonded debt, State, Counties and municipalities	127	236
Mr. Field	Resolution to prevent the State lending its credit except for certain purposes. (Not printed.)	36	237
Mr. D. S. Henderson	Ordinance to authorize the issue of State bonds to enable the Counties of the State to do business on a cash basis. [Amendments: Messrs. D. S. Henderson, B. R. Tillman and Dudley, 118; Mr. George Johnstone, D. S. Henderson and B. R. Tillman, 419.]	125	418, 486, *495
Mr. Hodges	Resolution to impose a tax of three mills for educational purposes	38	235
Mr. Lowman	Resolution that the bonded debt of the State shall never be increased except to repel invasion, suppress insurrection, etc	169	236
Mr. McMahan	Ordinance limiting the duration of the State's lien for taxes	208	236
Mr. McMahan	Ordinance to prevent double taxation of land	223	
Mr. Moore	Resolution to provide for sale of lands for taxes and the redemption of such lands	50	235
Mr. I. R. Reed	Resolution to change the date of the fiscal year	84	235
Mr. Rogers	Resolution to provide and fix salaries for all constitutional offices	47	153
Mr. Sloan	Resolution as to the establishment and adjustment of claims against the State	109	
Mr. Sullivan	Resolution relating to the income tax. (Not printed.)	37	237
Mr. Sullivan	Resolution providing for a common school fund and the distribution of same	85	237
Mr. Timmerman	Ordinance to pension certain Confederate soldiers	107	153

ORDINANCES AND RESOLUTIONS ACTED UPON BY THE COMMITTEE ON FINANCE AND TAXATION.

Introduced by	TITLE.	Introduced.	Other Proceedings.
Mr. Wharton..... .	Resolution for the relief of disabled and aged Confederate soldiers and their widows.....	122	
Mr. Wigg	Ordinance to direct the Comptroller-General and all persons charged with the collection of taxes to keep separate accounts of taxes paid by white and colored taxpayers.....	137	236

REPORTS.

Reports upon various ordinances and resolutions referred to them, 153, 175, 197, 235, 237.
Report of Committee containing proposed Article, 197.

CONSIDERATION.

Section 1—Mr. Geo. Johnstone, 359; Messrs. Aldrich and B. R. Tillman, 360; Mr. Prince, *to lay on table motion of Mr. Barker, excepting incomes from agricultural productions from income tax, 360; Mr. Meares, 361; Mr. Jeremiah Smith, *relating to tax on certain domestic animals, 361; Mr. Dudley, 361; Mr. B. R. Tillman, *relating to tax on dogs, 362; Mr. S. E. White, 362; Mr. Otts, *to lay on table amendment of Mr. Taylor, relating to tax on dogs, 363; 622.
Section 2—363; Mr. W. D. Evans, 622.
Section 3—363; 374; Mr. W. D. Evans, 622; Mr. Jeremiah Smith, *relating to payment of Court expenses, 672, 673.
Section 4—363; 673; Mr. Bates, *exemption certain property of widows from taxation, 673, 674.
Section 5—Mr. Bates, 363; Messrs. Prince, W. D. Evans, Conner, Ira B. Jones and McMahan, 374; Messrs. Haynsworth, Geo. Johnstone, Gage, Stribling, Jones and Wigg, 375; Mr. Bates, 673; Mr. Bellinger, *relating to taxation of banks, 674, 675; Mr. Bates, *do., 675, 676; Mr. Prince, 676.
Section 6—Mr. Prince, 364; Mr. Ragsdale, 364; Messrs. Meares, W. D. Evans, J. H. Read and B. R. Tillman, 365; Mr. Stanyarne Wilson, *to lay on table motion of Mr. Meares, relating to exemptions, 365; Messrs. Tillman and Ira B. Jones, 366; Mr. Bellinger, 676.
Section 7—Mr. Keitt, 364; Mr. Prince, 366; Messrs. Breazeale, Stanyarne Wilson, B. R. Tillman, Barker, W. D. Evans and Gary, 367; Mr. McGowan, 622; Mr. T. E. Johnson, 676.
Section 8—Mr. W. D. Evans, 367; 677.
Section 9—Mr. B. R. Tillman, 367, 676.
Sections 10, 11 and 12—367, 676.
Section 13—Mr. Ellerbe, 367; Mr. W. D. Evans, 676.
Section 14—Messrs. Buist, W. D. Evans, Patterson and Bates, 367; Mr. Rogers, 676, 677.
Section 15—367.
Section 16—367.
Section 17—Mr. W. D. Evans, 368; 622.
Ordered to a third reading, 622.

ORDINANCES AND RESOLUTIONS ACTED UPON BY THE COMMITTEE ON EDUCATION.

Introduced by	TITLE.	Introduced.	Other Proceedings.
Mr. Aldrich	Constitutional provision in relation to the common schools and institutions of learning in the State	151	308
Mr. Anderson	Ordinance to compel children between certain ages to attend the public school	127	303
Mr. Anderson	Resolution to establish an industrial school or college for the higher education of the colored youths of the State	178	308
Mr. Austin	Resolution relating to poll tax	220	308
Mr. Buist	Resolution to amend Article X of the present Constitution. (Printed on page 128.)	37	307
Mr. Buist	Resolution to amend Article X, providing for the maintenance of the Clemson Agricultural and Mechanical College	40	307
Mr. Buist	Resolution to amend Article X, providing for the maintenance of the Winthrop Normal and Industrial College	44	307
Mr. Burn	Resolution: The encouragement of literature, etc.	219	308
Mr. Derham	Ordinance to levy a school poll tax for the support of public schools and limit a certain per cent. of same, the amount that may be appropriated to the State educational institutions	93	308
Mr. J. L. Glenn	Resolution providing for levying and collecting a tax for the support of public schools	118	308
Mr. J. P. Glenn	Resolution to appropriate certain moneys for the support of public schools	174	308
Mr. Haynsworth, by request	Ordinance to prohibit the use or loan of property or credit on the part of the State or any subdivision thereof in aid of any school or charitable institution under the control of any church or religious society	88	308
Mr. T. E. Johnson	Resolution providing a system of public instruction	167	308
Mr. E. J. Kennedy	Resolution in relation to education, being amendatory of Artlcle X of the present State Constitution	219	308
Mr. Lybrand	Resolution proposing amendment to Article X of the present Constitution, relating to the public schools of this State	119	308
Mr. McWhite	Resolution to provlde a public school fund and the distribution of the same, and to provide for separate schools. (Printed on page 128.)	36	308
Mr. McWhite	Resolution to provide that no money shall be donated to any sectarian school	220	308
Mr. Miller	Resolution prohibiting the passage of any law taxing the people to support any sectarian institutions	220	308
Mr. W. J. Montgomery.	Resolution providing for reasonable tuition fees in all institutions for higher education supported in whole or in part by the State	166	308
Mr. W. J. Montgomery.	Resolution providing for (1) compulsory attendance upon public schools, (2) a three mills tax, and (3) a poll tax of $1.50 for the support of said public schools	221	308

ORDINANCES AND RESOLUTIONS ACTED UPON BY THE COMMITTEE ON EDUCATION.

Introduced by	TITLE.	Introduced.	Other Proceedings.
Mr. Parrott	Ordinance to abolish the office of State Superintendent of Education and of the County School Commissioners	91	308
Mr. Patterson	Resolution to provide for the maintainance of the public schools of the State	216	308
Mr. W. C. Smith	Resolution to prevent special privileges by educational institutions	44	308
Mr. Sullivan	Resolution empowering the Governor to suspend alleged defaulting State and County Treasurers and to fill their office pending investigation	167	308
Mr. A. H. White	Resolution as to supervising of the public instruction	151	308

REPORTS.

Upon various ordinances and resolutions, 307, 308.
Report of Committee containing proposed Article, 308.
Minority reports—Of E. J. Kennedy, 305; of E. B. Watson and E. H. Houser, 306; withdrawn, 529.

CONSIDERATION.

Made special order, 348, 495, 529.
Section 1—Mr. McWhite, 545.
Section 2—Mr. Efird, 546; Mr. Patterson, *relating to school officers and for a system of public schools, 546; Mr. Patterson, 547; Mr. Mitchell, 678.
Section 3—Mr. Patterson, 547; Mr. Mitchell, 678.
Section 4—547; Mr. Mitchell, 581; Mr. Mitchell, 678; Mr. W. J. Montgomery, 680.
Section 5—Messrs. Ragsdale, Prince and B. R. Tillman, 547; Mr. Breazeale, 547, 548, 554; Mr. B. R. Tillman, *relating to school districts, 554, 555; 556; Mr. Mitchell, 679; Mr. Mower, 685.
Section 6—Mr. Mitchell, 548, 549; Mr. E. J. Kennedy, *levying school taxes as State taxes, 549, 550; Mr. Patterson, 550, 554; Mr. T. E. Johnson, 551; Mr. Ragsdale, 554, 556; Mr. Lowman, 554, 556, 561; Mr. Ira B. Jones, *relating to constitutional tax not exceeding three mills, 556, 557; Mr. Patterson, *to lay on table amendment of Mr. Ragsdale substituting "two" for "three" mills as the school tax, 557, 558; Mr. Prince, 558, 559, 560; Mr. D. S. Henderson, 559; 560; Messrs. Rogers, D. S. Henderson, W. B. Wilson, W. J. Montgomery and B. R. Tillman, 561; Mr. W. J. Montgomery, *to fix poll tax at $1.50, *562, *563; Mr. Sheppard, *relating to age of exemption from poll tax. *564, *565; Mr. George Johnstone, 567; Messrs. W. C. Smith and B. R. Tillman, 567; Messrs. T. E. Johnson, Buist and E. J. Kennedy, 567; 568; Mr. Mitchell, 679; Mr. W. J. Montgomery, 680; Messrs. Efird and Montgomery, 685.
Section 7—Mr. Rogers, 568; Mr. Mitchell, 679.
Section 8—Mr. I. R. Reed, 569, 572; Messrs. Mitchell and Buist, 569, 573, 581; Mr. I. R. Reed, 572; Mr. Woodward, 573; Mr. Watson, to substitute "may" for "shall" in paragraph relating to higher institutions, 573, 575, *576, 577; proposed amendments of Mr. Miller, 557, 580; Mr. Derham, 557, 580; Mr. Behre, 557, 558; Messrs. Miller, Smalls and Reed, 580, 581; Mr. B. R. Tillman, 581; Mr. Mitchell, 679, 680; Mr. B. R. Tillman, 681, *683; Messrs. Patton and Rogers, to insert "shall" for "may," 681-682; Mr. Buist, *to insert "Winthrop College" 684.
Section 9—Messrs. Gage, Buist and Watson, 581; 582; Messrs. Barker and W. D. Evans, 680.
Section 10—582.
Section 11—Mr. Mitchell, 582.
Section 12—Messrs. Mitchell and Efird, 582, 583; E. J. Kennedy, 602, 677; Mr. B. R. Tillman, *relating to supplementary tax, 677-678; Mr. E. J. Kennedy, 680.
Sections 13 and 14—583.
Section 13—Mr. Behre, *requiring the General Assembly to provide pupils with free school books, 583; ordered to a third reading, 584; report of Committee on Engrossed Resolutions upon, 617.
Section 15—Mr. Behre, 685.
Read third time, 685.

ORDINANCES AND RESOLUTIONS ACTED UPON BY THE COMMITTEE ON CHARITABLE AND PENAL INSTITUTIONS.

Introduced by	TITLE.	Introduced.	Other Proceedings.
Mr. Buist	Resolution to amend Article XI, Section 1, of the present Constitution. (Printed on page 58.)	37	
Mr. Clayton	Resolution to regulate the working of convicts	125	212, 235
Mr. J. P. Glenn	Resolution to require every County in this State to provide for the really destitute within its bounds.	46	235
Mr. Gooding	Proposed Article of penal and charitable institutions	121	235
Mr. McWhite	Resolution to provide punishments, penal institutions and public charities	118	213, 235, 356
Mr. Otts	Ordinance requiring chain gangs	166	213
Mr. I. H. Reed	Resolution to establish a "State Penal School."	150	212
Mr. W. B. Wilson	Resolution providing for the establishment and maintenance of a reformatory	149	235

REPORTS.

Reports upon various ordinances and resolutions referred to them—212, 223, 234.
Report of Committee containing proposed Article, 236.

CONSIDERATION.

Section 1—342.
Section 2—Messrs. Gooding and Efird, 342.
Section 3—342.
Section 4—Mr. B. R. Tillman, 342.
Section 5—342.
Section 6—342.
Section 7—342; Mr. Gooding, 344.
Section 8—342.
Section 9—342; Mr. Gooding, 344.
Section 10—Mr. Bellinger, 344.
Ordered to a third reading, 344.
Report of the Committee on Engrossed Resolutions, 356.
Amendments—Messrs. Prince and Breazeale, 359.
Ordered referred to Committee on Style, Order and Revision, 359.

ORDINANCES AND RESOLUTIONS ACTED UPON BY THE COMMITTEE ON MILITIA.

Introduced by	TITLE.	Introduced.	Other Proceedings.
Mr. Bates	Ordinance for exemptions from taxation of certain widows and Confederate soldiers, (Re-referred to Committee on Finance and Taxation.)	207	284
Mr. J. S. Brice	Resolution in regard to the militie	148	273
Mr. Wilie Jones	Resolution in regard to the militia	48	273
Mr. Timmerman	An ordinance to pension certain Confederate soldiers	107	153, 273
Mr. Wharton	Resolution for the relief of disabled and aged Confederate soldiers and their widows	122	175, 273

CONSIDERATION OF REPORT.

Report of Committee containing proposed Article, 272.
Upon various resolutions, 273.
Sections 1, 2, 3, 4, 5—415.
Ordered to a third reading, 415.
Report of Committee on Engrossed Resolutions, 416.

REPORT OF THE COMMITTEE ON EMINENT DOMAIN.

REPORT.

Report of Committee containing proposed Article, 608, 609.

CONSIDERATION.

Passed second reading, 650.
Passed third reading, 663.
Report of Committee on Engrossed Resolutions and Ordinances, 663.

ORDINANCES AND RESOLUTIONS ACTED UPON BY THE COMMITTEE ON IMPEACHMENT.

Introduced by	TITLE.	Introduced.	Other Proceedings.
Mr. Aldrich..... ...	Article 6 of draft of Constitution. (Printed on page 59.).	35	58, 227

CONSIDERATION OF REPORT.

Report of Committee containing proposed Article, 228.
Section 1—Mr. B. R. Tillman, 285.
Section 2—Mr. D. S. Henderson, 285.
Section 3—285.
Section 4—Mr. Lee, 285.
Ordered to a third reading, 285.
Passed third reading, 331.

ORDINANCES AND RESOLUTIONS ACTED UPON BY THE COMMITTEE ON AMENDMENT AND REVISION.

Introduced by	TITLE.	Introduced.	Other Proceedings.
Mr. Aldrich	Article XI of draft of a Constitution. (Printed on page 59.)....	35	58

CONSIDERATION OF REPORT.

Report of Committee containing proposed Article, 304.
Section 1—Messrs. George Johnstone, Stribling and McCown, 284.
Section 2—284.
Section 3—Mr. B. R. Tillman, 284.
Section 4—Mr. Miller, 285.
Ordered to a third reading, 285.
Report of Committee on Engrossed Resolutions, 304.
Passed third reading, 331.

ORDINANCES AND RESOLUTIONS ACTED UPON BY THE COMMITTEE ON MISCELLANEOUS MATTERS.

Introduced by	TITLE.	Introduced.	Other Proceedings.
Mr. Aldrich	Article 5 of draft of a Constitution. (Printed on page 59.)	35	58, 93
Mr. Alexander	Resolution to prohibit the sale of products of public institutions in the markets of this State	106	251
Mr. Bates	Resolution in reference to existing laws. (Not printed.)	36	93, 112
Mr. Buist	Resolution in reference to lotteries in this State. (Not printed.)	37	93, 112
Mr. Buist	Resolution to insert in Article XIV of the Constitution a provision to prohibit the General Assembly from auditing or allowing any private claim or account against the State or any County, but may appropriate money or order the proper officer or officers to pay such claims as shall have been audited and allowed according to law	134	251
Mr. Dudley	Resolution to prohibit divorce from bond of matrimony. (Not printed.)	36	251
Mr. D. S. Henderson	Resolution relating to the granting of divorces in this State. (Printed on page 272.)	17	34, 251. Unfinished
Mr. D. S. Henderson	Resolution fixing an oath to be taken by all officers to be elected or appointed. (Not printed.)	17	93, 112
Mr. Howell	Resolution relating to married woman's property, now Section 8, Article 14, of the present Constitution	147	finished. 187, 252. Un-
Mr. Hutson	Resolution relating to the rights of married women. (Not printed.)	17	34
Mr. Hutson	Resolution to define the rights of married women as to property. (Not printed, withdrawn.)	36	187
Mr. McMahan	Ordinance to forbid discrimination on account of religion	185	252
Mr. McMahan	Ordinance to forbid the granting of divorces, but to provide for the recognition of divorces regularly granted by other sovereignties	206	252
Mr. Moore	Ordinance relating to exemption of personalty	182	252
Mr. Timmerman	Ordinance to prohibit office-holders from gambling on games of chance	100	

REPORTS.

Upon various ordinances and resolutions, 93, 251, 252.
Report of Committee containing proposed Article, 252.

CONSIDERATION.

Section 1—Mr. Miller, 286; Messrs. Gray, Aldrich and Wigg, 290; Mr. Gray, 331.
Section 2—286.
Section 3—Messrs. D. S. Henderson, Bowman, Lee, Dudley, Farrow, Klugh, 287; Messrs. D. S. Henderson and Bowman, 290; Mr. Bowman, *to insert "in this State" after "allowed," 293; Messrs. Tillman, Evans, Klugh, 294.
Section 4—287.
Section 5—287; 295.
Section 6—287.
Section 7—287.
Section 8—Mr. Sheppard, 287.
Section 9—Mr. Timmerman, 287.

Section 10—Messrs. Bowman and Stanyarne Wilson, 287; Messrs. Derham, Dudley, Gage, 288; Mr. Hutson, *to lay on table amendment of Mr. Gage, that "the real and personal property of a woman * * * shall be held as her personal property," etc., 289; Messrs. Patton, Johnstone and Hemphill, 289.

Ordered to a third reading, 295.

Report of Committee on Engrossed Resolutions, 321.

Read third time, 331.

ORDINANCES AND RESOLUTIONS ACTED UPON BY THE COMMITTEE ON PUBLIC PRINTING.

Introduced by	TITLE.	Introduced.	Other Proceedings.
Mr. D. S. Henderson...	Resolution as to the cost of reporting stenographically the proceedings of the Convention. (Printed on page 75.)..... [Consideration: Majority and minority reports, 75; Mr. Timmerman, *to adopt majority report, 96; Mr. McMahan, *to recommit, with instructions to receive bids thereon, 97.]	18	75
Mr. Russell...	Resolution relating to the Public Printer and printing. (Printed on page 74.).... .... [Consideration: Report of Committee, 74; Mr. Wilson, 98.]	18	74
Mr. Sullivan.....	Resolution relating to public printing and the furnishing of supplies for public offices, amending Article 14, Section 7, of the present Constitution. (Re-referred to Legislative Committee, 175.).. . .	122	175

ORDINANCES AND RESOLUTIONS ACTED UPON BY THE COMMITTEE ON CONTINGENT ACCOUNTS AND EXPENSES.

Introduced by	TITLE.	Introduced.	Other Proceedings.
Mr. Austin.	Resolution relating to the payment of Commissioners and Managers of Election for delegates to the Constitutional Convention	206	700
Mr. Behre..... ...	Resolution requesting the speeches of Hons. Julian Mitchell and E. J. Kennedy for publication.	713	714
Mr. McWhite.	A resolution instructing the Legislature to make provision for the pay of Managers and Clerks of the late election of delegates. (Printed on page 58).	37	700

ERRATA.

Page 257, line 1: "15" should be "10."

Page 259, line 22: "11" should be "14."

Page 314: Add, before "Section 27," "Section 26"—adopted as reported by Committee."

Page 331: After consideration of No. 27, change "Calendar No. 19" to "9"; same correction p. 332.

Page 118: Resolution of Mr. McWhite, to provide punishments, and relating to Charitable and Penal Institutions, should be reported as being referred, Sections 6, 7, 8, 9, 10, 11 to Charitable and Penal Institutions Committee, and Sections 1, 2, 3, 4, 5 to Committee on Jurisprudence.

Page 382: "Section 10" should be "Section 1."

Page 390: Insert "Section 5" before "Mr. Conner," line 18.

Page 622: Five lines from bottom of page, "Section 3" should be "Section 7."

Page 638: Insert at beginning of line 27, "Section 12."

Page 697, line 18: "5" should be "6."

The pair announced by Mr. VonKolnitz on Friday, November 8, should be reported, "Mr. VonKolnitz, yea; Mr. Jervey, if present, no."

Page 698: Ordinance providing for marginal notes, etc., should be reported as having been read the third time.

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